

THE FAYETTE COUNTY PLANNING COMMISSION met on August 18, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Pete Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

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

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1. Consideration of the Minutes of the Meeting held on August 4, 2016.

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

2. Consideration of Final Plat of Por Fe Subdivision. The property will consist of one (1) residential lot. This property is located in Land Lots 224 and 225 of the 13th District and fronts on Wagon Wheel Trail. The property is zoned R-70.

Dennis Dutton stated that this was the property on Wagon Wheel Trail that it went through the rezoning process. He said that it was approved for one (1) lot consisting of two (2) acres zoned R-70. He added that the next step was to make applications for a Final Plat to receive building permits. He stated that Mr. Morris was present and in order to close on the sale of the property he is requesting for approval of this Final Plat for Por Fe Subdivision.

Chairman Graw asked if Mr. Lewis was here and if there was anything he would like to add.

Morris Lewis replied no.

Chairman Graw asked if the Planning Commissioners had any questions.

Al Gilbert made a motion to approve the Final Plat of Por Fe Subdivision. Motion seconded by Brian Haren. The plat was approved by a vote 5-0.

3. Consideration of Minor Subdivision Plat of Charlie Glenford Taylor Trust. The property will consist of two (2) residential lots. This property is located in Land Lot 105 of the 7th District and fronts on Farr Road. The property is zoned A-R.

Chairman Graw stated that there were several buildings within the setback. He said that it is written on the plat that a variance is required for this property. He asked the Planning Commissioners if there is a motion to approve this property, make it with the condition for approval so we can have it in the minutes and not just on the plat itself.

Arnold Martin asked what the conditions would be.

Chairman Graw replied what it says on the plat.

Dennis Dutton stated that this is consideration for a minor subdivision plat for the Charlie Glenford Taylor Trust. He said that the family is now splitting it up between the two (2) sisters. He added that it may be developed later on, but right now the sisters are splitting the property into two (2) tracts one tract being 20 acres and the other tract being 39 acres. He stated that the minor subdivision plat has been reviewed by staff for approval.

Arnold Martin asked Dennis if he felt like there was going to be any issues with the variance as a condition.

Dennis Dutton replied that he has spoken to the surveyor and was told that the buildings may be torn down. He also stated that the verbiage was added just in case they're not torn down.

Al Gilbert asked what type of conditions the structures were in.

Dennis Dutton replied that they were really old and you could tell that no one has lived in them.

Brian Haren asked if it was just the barn in the setbacks.

Dennis Dutton replied that there was a house too.

Arnold Martin made a motion to approve the Minor Subdivision Plat of Charlie Glenford Taylor Trust with condition that a variance will be needed to keep the two structures shown (barn, old house). Variance request shall be submitted to the Zoning Board of Appeals within 180 days of approval of this plat. Motion seconded by John Culbreth. The plat was approved by a vote of 5-0.

4. Discussion of commercial development on SR 54.

Pete Frisina stated that Brian Pelham came in and spoke to him about a week or so ago about a proposal. He said that the Planning Commissioners had received a copy of the site plan for the proposal included in their package. He added that Brian and his colleagues are proposing a commercial zoning for a grocery store that will be about 36,000 square feet. He stated that this area is land use for residential zoning. He said that there is some commercial zoning south of area a

nursing home and veterinarian clinic. He added that this area came into the County many years ago for commercial zoning. He stated that the County did turn this area down for commercial zoning and they did go to court, and the County prevailed, and that is why this property is still undeveloped. He said about six (6) months ago, Peachtree City looked at annexing the area for a mixed use development with small lot residential, commercial, and office coming around it.

Chairman Graw asked if it was going to include the entire 30 acres.

Pete Frisina replied yes. He stated that Peachtree City told the land developers that they were not interested in the annexation and did not like the commercial aspect. He told Brian that he should come in and talk to the Planning Commission because it's going to be an uphill battle at best. He added that Brian said he would love to come in and get some feedback. He stated that Planning Commission and staff welcome people to come in and talk to us. He said that they will give them feedback on what they think will happen, and welcome them to talk to the next level to see if they have any different ideas. He added that giving the property's configuration and size it wouldn't be considered for the conversion to O-I because there is nothing to convert. He stated that was mainly put in because of the old houses that were impacted by the road widening project. He said that there is a residential subdivision that is new called Longboat Subdivision. He added that we have just done a rezoning to expand Longboat Subdivision.

Brian Pelham stated that he works for Atwell a group out of Marietta. He said that they want to do a development where they bring in an access road that could serve any additional development. He added that the company is looking for a lot size of five (5) to six (6) acre range. He stated that they are looking at a 36,000 square foot building. He said that he understands the area has a long history of residential development, but times have changed in terms of development for the area. He added that the company's name looking to develop is called Lidl. He stated that they're a European company that is coming over to the United States looking to do a lot of development. He added that they are trying to do 90 stores in the southeast over the next several years. He stated that they are looking at Newnan, Peachtree City, and the Fayette County region. He said that they have been doing some scouting and came across this property and there are not many grocery stores in the area. He added that the property has a ton of residential around it that continues to grow. He stated that Peachtree City recently added a lift station that would service the area, and they would like to possibly tie into that and do some upgrades to that service. He added that they would not only like to improve their area but the whole regional area around it can be served by sewer. He said that the way the topography flows they would provide some detention underground and possibly some regional detention to this whole area. He stated that there was a 16" water line near Highway 54 that they would tie into. He added that those utility upgrades plus putting a deceleration lane and servicing DOT here would go quite a ways to improving the movements and should not affect the movements of all the residential subdivisions in the area. He stated that they would not only be servicing all of the built in residential area but they will be improving the infrastructure to better serve the area and it would be a win-win situation for the County and the residence of the area. He said that they understood that it's been years that they've had low-density residential for the area, but in order to maintain the residential we must provide some commercial to sustain it. He requested that the planning commission provide them with commercial style zoning so they can sustain the area. He asked if anyone had any questions.

Al Gilbert stated that the two (2) cities Peachtree City and Fayetteville that have sewer systems will not give you sewer access unless you are in their cities.

Brian Pelham replied that he is in talks with them and he is trying to get something worked out.

Arnold Martin asked if the 30,000 square foot building will only house one (1) tenant or would it be divided up into smaller units.

Brian Pelham replied that the 36,000 square foot building would only house the grocery store as its one (1) tenant. He stated that the land owner may want to build a higher density

Arnold Martin asked grocery store would service and manage the area with a Publix and Sprouts down the road. He said that the Planning Commission is always worried about business come in with a great idea and them not working out and leaving an empty building.

Shawn Walker a representative for Lidl stated that they are brand new to the U.S. market but are pretty established in the European countries. She said they have 10,000 stores over 22 countries. She added that one (1) of their strategies is to break into the U.S. market is to not go into any food deserts. She stated that they want to go into the major retail corridors because that is where the traffic is currently, and they want to be able to pull from that. She said that is their strategy and depending on what lens you're looking through; but that is their lens and that is what is going to prove to be successful for us. She added that they definitely want to be here and want this area to be a part of their new sales in the Atlanta market.

Arnold Martin asked if the brands in the store European and if it is similar to Aldi.

Shawn Walker replied that Aldi comes up a lot in their conversations because it is their competitor, however, they do have a different model. She stated that Aldi offers a no frills type of model which is fine, but they want to offer fresh produce, meat, bakery items, and household goods. She said that it will be some of the national brands that we know and recognize here in the U.S., but they will also introduce other items maybe some international brands. She added that the main goal is to pass on some of the savings that they have seen in Europe that they typically don't see in the U.S., because we are paying premiums for a lot of these items. She stated that Lidl is just trying to introduce a different model to the U.S. where you can get fresh foods at lower prices.

Arnold Martin asked if they could describe the demographics of the markets that they typically go into such as a higher income market like a Peachtree City.

Shawn Walker replied that they typically go into a higher tier market. She stated that they is a certain type of demographic that they are targeting and they will not make any selections if we don't meet our thresholds.

Chairman Graw asked what the suit was about.

Pete Frisina replied commercial zoning.

Chairman Graw asked if the County prevail.

Pete Frisina replied they did.

Brian Haren asked what the area is zoned right now.

Pete Frisina replied it is zoned A-R.

Chairman Graw asked what the land use is.

Pete Frisina replied one (1) to two (2) acres residential density.

Al Gilbert asked if it was a part of the overlay district.

Pete Frisina replied that it is, but the overlay doesn't talk about turning 30 acre parcels into O-I; it's just for those parcels that are smaller that were impacted by the widening. He stated that is why you see all those house conversions. He said that a five acre development removed a house and put in a cul-de-sac and place five (5) office buildings around it. He added that the newest development we have is Longboat Subdivision and it came in about seven (7) years ago. He stated that the subdivision was stopped by the recession, but was eventually sold and built out.

Chairman Graw stated that the Board of Commissioners at this point in time is very sensitive to land use and zoning. He said that this may not be a real good time to bring this particular item before the Board of Commissioners. He added that we have started the process of reviewing the land use plan for the County and this piece of property may or may not be looked at. He stated that the property may stay residential in nature. He said in his opinion they may be coming in a little bit early asking for something like this. He added that the atmosphere right now is not in their favor.

Shawn Walker thanked Chairman Graw for being straightforward.

Chairman Graw stated that we're are not guaranteeing when the land use plan review is finished that's going to change. He said that it was up to them, but he doesn't feel comfortable taking it to the Board of Commissioners.

Shawn Walker asked if they could go around and ask other members for feedback so they can understand the position.

Arnold Martin stated that we don't have a correct path and that there is pushback on the direction that the County wants to go in as far as development. He said that the only way we can shape our minds around the direction we are going in is if we still entertain and hear what people are thinking about doing. He added that the Board of Commissioners has talked about putting a

hiatus on rezoning until we have a clearer path. He stated that he personally believes that having an understanding of that path is to know what else is out there. He said that he doesn't have a feeling whether yay or nay about a project because he wants to learn more, but in terms of it being presented even with the climate that we are in I personally am open to that.

Al Gilbert stated that he doesn't see this as residential property for the future, but he thinks commercial would be a little bit too much for the area. He said that he could see office institution in this area and thinks it would be a perfect fit with the Coweta-Fayette EMC and the doctor's office. He added that he understands that this would be a great fit for commercial from a business point of view, but from a residential point of view it's a horrible place to put it.

Brian Pelham stated that he understood Al Gilbert's statement but they are not the only ones that have come before the Board of Commissioners to put commercial in the area. He said that he has to believe that the residents and business are somewhat ready for that type of development in that area. He added that there is an overlay in the area that specifically addresses the commercial that and the office institutional. He stated that he has to believe that someone put the overlay district in for a reason with a possibility of some commercial down the road.

Al Gilbert stated that he was a part of the Planning Commission when they put that overlay in effect. He said that its original intent is not what you're saying; they didn't want Highway 54 to be clogged with traffic, and the best way to protect that is to put as little commercial on Highway 54 as they can. He added that they didn't want to give it the appearance of your typical highway from Fayetteville to Peachtree City, but also to keep the flow of traffic going. He stated that this to him goes against the intent for what their intent of Highway 54 was. He said that yes it could change but right now he doesn't see it.

John Culbreth asked if they had a store anywhere else in Georgia.

Shawn Walker replied no sir not yet. She stated that they are working on their process of acquiring the land first, and then work through entitlements to then build the stores. She said that they are starting their rollout in the US as north as Philadelphia, Pennsylvania and New Jersey and rolling it down the eastern seaboard. She added that she would like for them to be in the first wave of stores, but that depends on you all.

Brian Haren stated that he doesn't think that type of development is a good fit for that piece of property. He said that there are plenty of grocery outlets to the south and the north so it is not like the folks around there are going hungry. He added that his fear is if that goes into that piece of property than the rest of that area will start to look like it. He stated that we will have just another plaza development that looks like every other plaza development in the great state of Georgia. He said that it sets a bad precedent for that piece of property in that area.

Chairman Graw stated that he wondered if that area shouldn't be commercial to Pete Frisina. He said that Pete Frisina said Longboat is across the street. He added that the 30 acres could be developed into residential. He stated that they should wait and see what happens with the land use, and if it comes out differently than fine and if it doesn't come out differently than so be it.

Brian Pelham asked if there was a time frame to where you all feel like this process will be completed.

Pete Frisina replied that it is due June 2017.

Chairman Graw stated what if that property was zoned commercial and it would be a shopping center; it would have to be on septic not sewer. He said that they find out later that septic system cannot support the shopping center. He added that they would go to Peachtree City and asked for sewer but the County will not allow them to pass over the County line with sewer. He stated that they won't be able to get sewer and they will be sitting there with a septic system that cannot service the entire shopping center. He said that Peachtree City has already stated that they don't want it. He asked if his scenario was right.

Pete Frisina replied yes, and that there was development on the whole 30 acres of small lot residential on sewer, but the commercial wasn't to the scale like this it was a lesser scale commercial. He stated that the commercial was the lynchpin of what they didn't like about the annexation. He said that whenever they do something near the boundary of our cities we always give them additional input and I don't believe they are going to support.

Shawn Walker stated that they were just trying to tackle one (1) issue at a time; trying to get through the land use and understand your position; it will be helpful for us to get through our steps as well.

Pete Frisina stated that the major aspect they are going to do with this comp plan is look at their boundaries (cities and towns) and see what do you want to happen on the peripherals of the cities. He said questions like, where do you want to annex and where do you not want to annex, and that could be part of that discussion. He added that the County and all of the cities have to have their comp plans updated by next June. He stated that he is hoping to have a rough draft done in January.

Brian Pelham asked what would be the best way for him to advise his clients to politic this group and or Peachtree City to see commercial in the area. He stated that he understood one (1) person's opinion will not influence you all decision. He asked if there was a way to do that.

Pete Frisina replied that these plans will all roll out at the same time. He stated that Peachtree City is going to do their own plan and Fayette County is going to do their own plan. He said the only thing the County is trying to do is to have something in our plan that will have a common element in each of the plans that we can at least look at the areas and have a discussion. He added that whether or not it changes he can't say. He stated that the process would be happening in house with staffs; and he mentioned it to his counterpart in Peachtree City; he is aware of what you guys are looking at and what just happen there six (6) months ago and how they didn't entertain that annexation. He reiterated that he hopes this is an area where he can involve the cities and the County.

Al Gilbert stated that there would be public meetings where they can give their input.

Pete Frisina stated that we will be having two (2) meetings one (1) on September 8th and the other on September 26nd. He said they are trying to incorporate them both together and that Peachtree City has already had one (1) of their meetings. He added that normally the cities have their meetings and the County has its and they normally don't get involved with each other. He stated that this will be one of the few times that they have a meeting/discussion that will be common for everybody.

Arnold Martin asked if there was already a meeting for next month.

Pete Frisina replied that the meeting will be called Kick-Off Meeting. He stated that it would announce to the public, ask for input, and put surveys on the website. He added it would be two (2) meetings to get the word out.

Arnold Martin asked if staff would be sending anything to them about it.

Pete Frisina replied that there would be displays at the table but that's about it. He stated that Brian Haren is on the steering committee with him, Commissioner Brown, and someone from economic development. He said that they will be getting input from the public, working on the plans and he will be working with the common element for all the cities.

Shawn Walker stated that she didn't have any other questions and asked if the Planning Commission had any other questions about Lidl.

Brian Haren stated that it's no offense of what you are trying to bring in it's just not a good fit for this piece of property.

Shawn Walker said that she understood.

Brian Pelham thanked them for their time and said that they may be doing this again some time down the road soon.

Arnold Martin asked what their client's timeline for the development was.

Brian Pelham replied that their schedule is very aggressive. He stated that they find the site that they want to tie their name to, and the entitlement process can be really short. He said that they do a due diligence period which is what they are doing now, and then they do a grander due diligence period where they look at construction drawings and things of that nature. He concluded that it would probably take about six (6) months they would be ready to move.

Shawn Walker stated that they would be seeing their stores in the US by 2018. She said that takes us through the entitlement process and the land acquisition.

Chairman Graw asked who owned that property.

Pete Frisina replied Bradshaw.

5. Discussion of Tourist Accommodations.

Pete Frisina showed the piece of property that Sylvia Tulka wants to purchase and turn into a bed and breakfast. He stated that we have tourist accommodations right now in our code and it came out of a State regulations called tourist accommodations. He said that our code is a durative of it and it is not exactly the same.

Arnold Martin asked when it was created.

Pete Frisina replied that it was done in January 2014 for the State and April 2014 for the County.

Arnold Martin asked if it was an updated version or something new.

Pete Frisina replied that it was something new. He stated that there were some things happening in the County that they were not prepared for. He said one (1) of them was this concept of Airbnb. He added that a homeowner was renting out his house and it was causing problems in the neighborhood. He stated the ordinance was created to hand that administratively through code enforcement. He said when Ms. Tulka asked him about the bed and breakfast use he looked it up in the zoning ordinance and the County Code and they didn't line up. He added that the intent was that this was going to be used for homes in a residential area; you would have a home being used for a Airbnb; you might have a bed and breakfast being used in a residential area but when you got to the zoning it said that a bed and breakfast is a hotel and a hotel is only allowed in commercial. He stated that he talked to the County Attorney and they saw the conflict and said if you're going to try and fix this you will need to have the zoning match up with it. He said that started the conversation and that the tourist accommodations in the County Code will still have to be worked on. He added that he has worked on creating a definition for A-R Bed and Breakfast: A bed and bread allowed as a conditional use in the A-R zoning district. He stated the Bed and Breakfast commercial district defines it under a commercial vein. He said under tourist accommodations it is limited to five (5) guest rooms, and bed and breakfast's commercial are not limited to an amount of guest rooms.

Arnold Martin asked if there was anything that reference the size of the home.

Pete Frisina replied nothing in here.

Arnold Martin stated that he has seen some very interesting things that people have done when they are even converting their dining room into sleeping quarters.

Pete Frisina stated that to get this you would have go through the building department, fire department, and environmental health and all of that is taking into consideration on the front end. He said what we are trying to do is figure out how to allow it in A-R and tie it back to this, and then amend this one if we have to because in my opinion it has some issues. He added that what

he has come up with so far is a conditional use in A-R and a minimum lot size of five (5) acres, would not be permitted on any A-R lot which access what we classify as an internal local road (subdivision street), must meet the requirements of the code, and adequate off street parking shall be required. He stated that he ran this by Environmental Management and they said they don't see a need to do landscaping in this type of setting. He said that Permits and Inspections Department would see this as an R-3 occupancy type and the definition for that is: transient 10 or less occupants for 30 days or less, smoke detectors in each sleeping room, monoxide detectors outside the sleeping rooms, arc fault protection outlets in the bathroom kitchen garage and basement, sleeping quarters windows will have to be a certain size for ingress and egress. He added that he spoke to the Fire Marshal to get his comments and he said that each case is different in regards to what codes apply. He stated that Environmental Health will have to be a part of this because of the septic system and they have to control food storage.

Arnold Martin asked if there were requirements in either codes based upon how many bedrooms you have to the amount of bathrooms you must have.

Pete Frisina replied he doesn't think so, but he would see if there is one (1).

Arnold Martin stated that he lived in Atlanta and saw an abuse of the code from turning dining rooms into bedrooms and packing a lot of people in one (1) bathroom.

Pete Frisina replied that this use requires annual inspections, and the innkeeper must live there.

Chairman Graw stated that he doesn't think that Ms. Tulka realize what they have to go through to open a bed and breakfast. He said that this is a big undertaking that they are going have to go through if they want to undertake this.

Pete Frisina asked if they were comfortable looking at this concept as an A-R conditional use. He stated that Environmental Health is going to limited it by the capacity of the septic system.

John Culbreth asked if he took the special event aspect out of this.

Pete Frisina replied yes, and that Ms. Tulka didn't qualify for it anyway because she didn't have 15 acres. He said that the wedding/event facility specifically says no tourist accommodations could be involved at the wedding facility.

Arnold Martin stated with the culture of Fayette County changing because of Pinewood Studios and I can guarantee that we will see many more of bed and breakfasts. He said that they will see people converting existing homes and building retro type homes.

Chairman Graw stated that he would like to see the minimum lot size as 10 acres instead of five (5). He said that his reason for it was because you would only need to five (5) more acres to have a wedding/event facility. He added that it was like a step up and asked if the other members had a problem with it.

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Planning Commission replied no.

Pete Frisina stated that they have found issues with Ms. Tulka's lot because it is in a subdivision. He said that the lot will have to be revised and platted before she would be able to use it.

Al Gilbert asked what are you going to do when someone has nine point fifty (9.5) acres.

Pete Frisina replied that we would treat them like everybody else. He stated if they have four point ninety-nine (4.99) acres it's still not five (5) acres.

Al Gilbert stated that 10 acres is a hefty size lot.

Chairman Graw asked does she have 10 acres.

Al Gilbert replied that he's not sure she had 10 acres to start with.

Pete Frisina replied that the lot use to have 12 acres and somehow it went from 12 with one (1) acre cut out to 10 acres. He stated that the accessor could have done the math wrong but he's not sure.

Brian Haren asked how long ago that was platted.

Pete Frisina replied many years ago, late 70's early 80's.

Arnold Martin asked if there were any other subdivision in the area.

Al Gilbert replied that Hampton Road is used as the backway to the racetrack.

Pete Frisina showed them two lots that could not build because they front on an internal local street. He stated that the only reason they're allowed to do it is because they front on an exterior street that is an arterial or collector street.

Chairman Graw suggested at number three (3) adding a comma after Article VI and placing County Code after the comma.

Pete Frisina stated that the only thing he doesn't like about the County Code is the definition of the bed and breakfast regulates the number of bedrooms. He said that he doesn't like to put the regulation portion into the definition. He added that in the State Code it's the same wording but its 12.

Arnold Martin asked why was that put into the definitions.

Pete Frisina replied we use the State regulations as a format, and we just changed that number from 12 to five (5). He said that he would rather have a strict definition and have the regulation define something else. He added that he would work on both of them.

Arnold Martin asked when you think we will see these again.
Pete Frisina replied that he was going to talk to Ms. Tulka this week and hopefully have something by the next meeting.

Chairman Graw asked if anything was coming up at the next meeting.

Pete Frisina replied that we have a rezoning and maybe a plat.

Brian Haren made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:07 pm.

**PLANNING COMMISSION OF
FAYETTE COUNTY**



JIM GRAW, CHAIRMAN

ATTEST:


