

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

**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 September 1, 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 Davenport Property. The property will consist of two (2) residential lots. This property is located in Land Lot1 of the 9<sup>th</sup> District and fronts on Rivers Road and Jewel's Bluff. The property is zoned R-70.**

Chairman Graw asked if the petitioner would like to speak.

Charles Davenport stated that Patricia and Bill Chambers have been their neighbors for over 20 years. He said they asked 20 years ago if he and his wife decided to ever sell their hay field, could they have the first shot at purchasing it. He added that they are getting ready to leave and would like to sell the land to the Chamber's, but the only way to do it is to subdivide the land. He stated that he would be selling the remaining 3.192 acres to the Dire Family from Indiana. He said the County's problem with the lot was, if this was going to be a residential lot their needed to be some frontage on Jewel's Bluff. He added that this was not going to be a residential lot, but a hay field. He stated that if this is approved tonight it will be added to a 70 acre tract that is also a hay field. He said that he liked what they plan to do with the land because it will keep the area exactly the way it is.

Chairman Graw asked if there was anyone who wanted to speak to the technical aspect of the final plat. Hearing none he brought it back to the Planning Commission.

Chairman Graw stated that if this is approved Lot 2 will be land locked.

Charles Davenport replied no, it will be added to this lot over here.

Chairman Graw stated that you are going to sell Lot 2 over to the Chambers. He asked if the Chamber's property fronts Jewel's Bluff.

Charles Davenport replied yes.

Chairman Graw stated that it would not be land locked and they would have access to Lot 2.

William Chambers stated that they are going to make that one (1) continuous piece of property and put it into conservation.

Chairman Graw asked for a motion.

Arnold Martin made a motion to approve the Final Plat of Davenport Property. Motion seconded by Brian Haren. The plat was approved by a vote 5-0.

### **3. Discussion of Home Occupations.**

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

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

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

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

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

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

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

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

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

Debbie Lowe replied that it was 80 acres.

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

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

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

Pete Frisina replied 1800 square feet.

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

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

Pete Frisina asked if they had employees.

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

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

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

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

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

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

Pete Frisina replied no, not under R-70.

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

Pete Frisina stated that camera companies are not agricultural.

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

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

Debbie Lowe said its semantics.

Al Gilbert stated that it's for farming purposes.

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

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

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

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

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

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

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

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

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

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

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

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

Pete Frisina replied that it would have to be created.

Debbie Lowe stated that may be the way to go.

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

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

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

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

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

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

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

Chairman Graw suggested some stipulations for the Home Occupation ordinance.

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

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

Debbie Lowe stated what they want to do doesn't fit anything that we have. She said what they had to cover is nothing that people want nowadays. She said that people want different things

today and we need to be open minded about some of these things. She added that they are trying to recreate for other things to come in and knows they are not all going to work. She stated that she really thinks this is a good fit for this piece of property, and you want see any difference from what the property looks like from the road.

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

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

Pete Frisina replied for A-R, yes.

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

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

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

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

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

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

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

Debbie Lowe replied that she would have to ask them.

Brian Haren asked what the heights of the structures were.

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

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

Debbie Lowe stated that it looks like a barn.

Brian Haren asked if they had to store high gantries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Al Gilbert stated that it is similar to a rental.

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

Arnold Martin asked what the timeline was going to be.

Pete Frisina asked about next year.

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

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

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

Brian Haren replied we don't know.

Pete Frisina said that we will get started

#### **4. Discussion of Tourist Accommodations.**

Pete Frisina stated that the only thing you see on here that is different is that I set the minimum lot size to 10 acres. He said everything else is the same. He added that the issue he is having is with Article six (6) Tourist Accommodations and that's the definition a bed and breakfast and a hotel, which still don't coincide with what the zoning ordinance says. He stated that he found another set of regulations for Hotel Motel Excise Tax, which has a different definition and doesn't match the other things we're working on. He asked if they were still good with what we came up with Section 110-169. He said that he would get with the County Attorney to make sure the other two (2) ordinances are coordinated. He added that he hasn't had time to do that. He asked was there anything else he needed to add to Section 110-69.

Arnold Martin replied no, it speaks to everything we spoke to in our last meeting.

Pete Frisina reiterated that he needs to get with the County Attorney to make sure the two (2) code sections are coordinated.

Chairman Graw asked had Pete Frisina spoke to Sylvia Tulka.

Pete Frisina replied yes. He said that he told her that they are still working on it.

Al Gilbert asked Pete Frisina if he ever came to the conclusion how many acres they have on that property.

Pete Frisina replied that he thinks they have 10 acres.

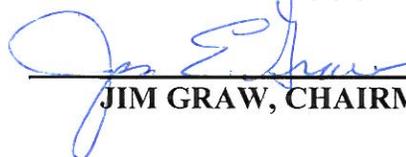
Chairman Graw asked about the agenda for the next meeting.

Pete Frisina replied that we have a rezoning and a revision to a development plan for Camp Southern Grounds solar farm.

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Brian Haren made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 7:53 pm.

PLANNING COMMISSION OF  
FAYETTE COUNTY

  
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JIM GRAW, CHAIRMAN

ATTEST:

  
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