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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning and Zoning/ Comm. Devel.

Department Head: Peter A. Frisina

Presenter, if needed: Richard Norman

Preferred Meeting Date: Wednesday, September 3, 2008

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding the creation of a new zoning district which would permit a broad variety of uses or would augment the allowed uses within the M-1 zoning district, as requested by Richard Norman of Artisan Properties, Inc. (Storage XXtra on State Route 85 North).

Background/History/Details:

This request originated with a citizen, Mr. Richard Norman, who will speak to the Board.

See attached letter dated July 21, 2008 from Richard Norman of Artisan Properties, Inc. (Storage XXtra on State Route 85 North).

What action are you seeking from the Board of Commissioners?

Direction from the Board of Commissioners concerning the request from Richard Norman of Artisan Properties, Inc. (Storage XXtra on State Route 85 North).

If this item requires funding, please describe:

Not Applicable.

Has this issue come before the Commissioners in the past? Yes

If so, when? Thursday, February 22, 2007

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, September 3, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ◉ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

Artisan Properties, Inc.

Real Estate Brokerage • Development • Management

July 21, 2008

Mr. Pete Frisina
Director of Planning & Zoning
Fayette County
140 Stonewall Ave. West
Fayetteville, GA 30214

RE: Storage Xxtra Hwy 85, LLC

Dear Pete:

Let me first thank both you and Dennis for granting me time last Tuesday to discuss our business located on Georgia Highway 85. We're pleased with how things have gone since we opened over a year ago, but it's also apparent that we've missed quite a few opportunities to land businesses in our development due strictly to use restrictions that exist within our M-1 zoning. As an update, I'm including with this letter a list of current tenants at our Hwy 85 location. You'll also find a list of selected users that we could not place in our facility on account of their use being restricted under Fayette County M-1 zoning.

You and I have worked together going back to 2005, and it is this cooperative effort that ultimately resulted in our $8,000,000+ investment in Fayette County. Our product, a hybrid which includes both self storage and professional office, is one that does not fit conveniently into any zoning classification offered by Fayette County. At the time of our development, self storage, as a conditional use, was only allowed within M-1 & M-2 zoned properties. As you know better than anyone, self storage had previously – and has subsequently – been allowed to operate within C-H zoning districts as well. C-H zoning, of course, allows for many additional uses that our office product could satisfy.

I mention the above merely to provide some background. What we seek is to work with both the Fayette County administration and the elected officials of Fayette County to devise some accommodation resulting in additional approved uses within a project such as ours. As I see it, this could be realized one of three ways;

5977 Whitesville Road, Suite 3 • Columbus, Georgia 31904 • (706) 596-9800 • FAX (706) 596-0074 • email: artisan@knology.net

1) augmenting the allowed uses within M-1 zoned property (our current zoning),
2) rezoning (with dimensional variances) some portion of our property to C-H , or
3) instituting an entirely new zoning category that would allow for the broad variety of uses provided by our product.

My preference, for reasons of both time and simplicity, would be to amend the current code to allow for a few select uses not currently approved for M-1 zoning. Below you will find a table detailing those uses which we would like considered for inclusion within our current M-1 zoned property. The table indicates which of these uses is currently allowed within what zoning district.

Use	**X indicates allowed use within these districts**			
	O-I	C-C	C-H	L-C
Art Studio		X	X	X
Barber Shop		X	X	X
Beauty Shop		X	X	X
Business School		X	X	
Dance School/Studio	X	X	X	X
Financial Institution	X	X	X	X
Insurance Carrier, Agent or Broker	X			
Music Teaching Studio		X	X	X
Office	X			X
Office Equipment Sales and Service		X	X	
Photography Studio		X	X	X
Professional Services	X			
Real Estate Agent or Broker	X			

Our dilemma, as you well know, is that the self storage component of our business is substantial and the Warehousing/Distribution use allowed under M-1 zoning necessitates retaining the M-1 designation for this use. On the other hand (and what makes this development unique), our small offices offer start up businesses, satellite or branch offices, home based operations, etc., the perfect venue to conduct their business. With over a dozen such facilities under our belt throughout Georgia, we know the value of this product and what it means to a community. At our Hwy 85 location, we are serving a market that simply isn't being served anywhere else in Fayette County. However, the number of users that we cannot serve, due to use restrictions within M-1 zoning, is significant.

I ask that you give our request to amend the allowed uses under the M-1 zoning district your serious consideration. These requested uses could easily be designated as "Conditional Uses" (just as Self Storage is currently), thereby insuring that they meet the additional standards found

under Section 7-1 of the Fayette County Zoning Ordinance. This is, I believe, a reasonable, measured, and fundamentally fair request. We seek this, of course, as it will clearly result in additional tenants and contribute to the success of our business. Moreover, we would not be the only party to benefit from such a change. By making our offices available to these additional users, new businesses can be launched, existing businesses expanded, and more people can be employed in Fayette County. The resultant benefits to the citizens of Fayette County include the generation of additional local revenues, the creation of new or additional goods and services, and the increased opportunity of employment.

Sorry to get up on my soapbox, but I need you to know, and I want the elected officials of Fayette County to know as well, that our product warrants a change in the county code. We've seen how it has worked in Columbus, Macon, Warner Robins, Paulding County, McDonough, LaGrange, and other markets. We provide a product that meets an unmet need. We've seen businesses start with us only to grow and move on to bigger and better things. We really have served as a "business incubator" of sorts, and we've done it privately without the use of tax payer dollars.

If I come across as passionate about this, well, that's because I am! It makes so much sense to me that I have a hard time understanding why our request would not be embraced. That said, please let me know how best to pursue this matter. I would like the chance to discuss this with the county commissioners and I ask that you try to coordinate a meeting for this purpose. I will meet individually, in a work session, or at a scheduled commissioner's meeting, whatever works best.

Thanks for hearing me out,

Sincerely,

Dick

Richard I. Norman

Storage Xxtra Hwy 85

The following business types
currently lease from our facility
on GA Hwy 85:

Line of Business	# of tenants
Flooring Wholesale/Install	2
Land Development	3
Hair Care Distribution	5
Roofing Contractors	2
Signs	2
Consulting-energy,industry	2
Airlines	2
Transportation Logistics	4
General Contractors	1
Jewelry	1
Shirts/Trophies	1
Cable Install	1
Radio/broadcast	1
Pest Control	1
Maintenance	1
Plumbing	1
Medical (equip,products)	3
Communication	1
Home Imp (furniture,closets)	3
Auto Broker	1
Painter	1

Storage Xxtra Hwy 85 - inquiries made by potential tenants

BUSINESS	# Inquiries
Salons	11
Churches	5
Real Estate/Property Mgmt.	8
Accounting/Financial Services	10
Mortgage Companies	2
Temporary/Staffing Agencies	3
Insurance Agencies	4
Marketing Agencies	1
Mangement Offices	8
Attorneys	1
Private Investigators	1
Travel Agencies	1
Medical Billing Offices	2
Nurse Training	3
Clothing Alterations	1
Counseling/Clinical Evaluations	4
Massage Therapy	2
Catering	1
Total:	68

* note: This is a partial list of businesses that have sought to occupy professional office suites and/or office & storage at our facility. These figures generated between November 2006 and July 2008. This does not include all inquiries made by potential tenants as many of those clearly do not fit within allowed uses under M-1 zoning district.

Pete Frisina

From: Matt Forshee [mforshee@fayettega.org]
Sent: Monday, July 28, 2008 5:00 PM
To: Pete Frisina
Subject: RE: Storgae Xxtra

Pete,

After looking over Dick's letter, I agree with him on their facility meeting a very unique need. If I recall correctly, their "office" spaces are about 600 square feet at the smallest. Of the few office areas that offer that small of a space that I know of, they're full. It's a really unique concept for a facility as it is really a great place for an entrepreneur of any type to get started relatively inexpensively.

Another thought, although not as clean, is to split zone the property. I've done it before. The tax office never likes it as they're not clear on how to value to property, but it can be done and simply requires a legal survey in your zoning amendment with the zoning boundary line demarcated.

From the "changing the code" standpoint, It's a very fine line when you consider adding M-1 uses to CH or vice versa. My questions is, if I change the code, where do I have more problems: adding M-1 uses to CH districts or adding CH uses to M-1 districts. I don't know your map, so I can't tell if there would be potential for sudden requests one way or the other. However, my experience with ministorage is that, if it is screened appropriately, there are usually very little negative issues associated with it. There's not much traffic. It's not really "industrial". If it's done right and screened from view, or conditionally allowed "with screening structures between the ministorage buildings and the road.

If it was me, (and since the facility is already there), I'd consider amending the CH to allow ministorage as a conditional use and rezone the property to CH.

I never like allowing general uses as a condition because they aren't tied to the structure easily. To me, conditional uses are tied to something related to the structure or the setback to truly make them conditional (i.e., you can have a mortuary, but it has to be set back at least 100 feet from any property line).

Let me know if I can get you any more of my very lowly regarded thoughts. As always, they're free!

Matt

Oh, and PTC has one of these in their industrial park under a GI – General Industrial zoning category. You could contact David and see if he's had any similar issues with them.

FCDA
FAYETTE COUNTY | DEVELOPMENT AUTHORITY

Matthew W. Forshee, ASLA
President / CEO
Fayette County Development Authority

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Move | Forward

From: Pete Frisina [mailto:pfrisina@fayettecountyga.gov]
Sent: Monday, July 28, 2008 2:26 PM
To: mforshee@FayetteGA.org
Subject: Storgae Xxtra

Matt,

Please see attached and thanks for your suggestions.

Peter A. Frisina
Director of Community Development Division
Community Development Division
770-305-5160
Fax: 770-305-5258
pfrisina@fayettecountyga.gov

No virus found in this incoming message.
Checked by AVG - http://www.avg.com
Version: 8.0.138 / Virus Database: 270.5.6/1577 - Release Date: 7/28/2008 6:55 AM

ORDINANCE NO. 2007-02 - CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-21. M-1 LIGHT MANUFACTURING DISTRICT APPROVED:

Chairman Smith remarked that the Planning Commission recommended approval 5-0.

Zoning Director Dennis Dutton remarked that the Planning and Zoning staff was requesting the Board of Commissioners to approve the zoning amendment to the Fayette County Zoning Ordinance regarding the permitted uses to the M-1 zoning district. He said these updated permitted uses would give more precise uses as well as adding more uses that could be supported by other businesses which were not retail and in which today's businesses could be incorporated into the warehousing distribution uses.

Chairman Smith asked if anyone wished to speak in favor of this amendment request. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to approve the amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-21. M-1 Light Manufacturing District, discussion followed.

Commissioner Frady questioned Section D. 1-B referring to half acre lots with sewage and central water. He recalled this had been removed from the ordinance for residential but could not remember if it had been removed in this particular section or not. He asked for clarification.

Attorney McNally interjected that this had been removed from residential but not taken out of the commercial.

Commissioner Pfeifer remarked that the staff and the Planning Commission had reviewed this many times and he wanted to thank them for all of their hard work on this item.

Commissioner Frady asked if a central sewer system was the same thing as a central sanitary system.

Attorney McNally replied that a central sanitary sewer system would be a bonafide sewer system.

Commissioner Maxwell said he had a question regarding the M-1 zoning district. He asked what was trying to be accomplished with the M-1 district.

Mr. Dutton replied in discussions with the Planning Commission it was very vague in how permitted uses were being interpreted in the M-1 zoning district. He said the M-1 zoning district was for light industry and not for major heavy industry with air pollution or a lot of noise. He said staff had come up with a list of things that go together. He said engineering firms were not listed in this but engineering firms would have the equipment and probably would be a good fit for something like this because general contractors were allowed in those type uses. He said it was specific in that the Planning Commission wanted to make sure that there was no retail in this but they wanted to put things in that would work together. He said they wanted to do away with the vagueness and put more permitted uses in.

Commissioner Maxwell asked Mr. Dutton to give him an idea of an area of the county that has M-1 so he could get a picture in his mind of this zoning district.

Mr. Dutton replied that S.R. 85 North was predominantly M-1. He remarked that the Lee Center was a large M-1 facility. He said there was also some M-2 along the S.R. 314 corridor and S.R. 85 as well.

Commissioner Maxwell said he had seen some of the paperwork regarding self-storage facilities. He asked if the county was allowing businesses to operate out of self-storage facilities.

Mr. Dutton replied that there was a new trend with some of the self-storage buildings where they were developing not only storage but handling certain types of office space within the facility. He said staff wanted to make sure that these types of businesses had the same sense of community although staff did not want an office park.

Commissioner Maxwell asked for clarification regarding self-storage facilities having several small businesses located there with relatively inexpensive office space.

Chairman Smith responded that generally with the new self-storage facilities what they had done in effect was take one of the self-storage units and the other unit would be an office. He said sometimes these units were side by side and sometimes they were part of the self-storage unit as a storefront and the other part was the doorway to get to the storage area.

Commissioner Maxwell said he was not aware of this kind of situation. He questioned if there were restrooms in these kinds of places.

Chairman Smith replied that he did not know.

Mr. Dutton interjected that there should be restrooms in these facilities. He said these would be required by code.

Commissioner Maxwell said if this was a business then a restroom would be a requirement. He asked if the Fire Marshal inspected these kinds of businesses.

Mr. Dutton replied yes and stated before these businesses could get a business license there would have to be an inspection by the Fire Marshal.
Commissioner Maxwell asked if this was something new that was being discussed tonight or had this been going on.

Mr. Dutton replied that this was something that had been in discussion with the Planning Commission for the last two to three months.

Commissioner Maxwell remarked on the self-storage facility located on S.R. 85 North across from Dixie Land Amusement Park and asked if there was a zoning for this type of business that would allow these small businesses to be located all the way up and down S.R. 85. He thought the intent was to keep Fayette County from looking like the Riverdale area.

Mr. Dutton responded the answer to Commissioner Maxwell's question was yes. He said if a general contractor wanted to locate in this business these would not be denied in the M-1 zoning district because certain types of joint development such as multi-

tenant buildings were allowed. He said staff had cleaned up the language and included more uses that were permitted and staff had tried to make these uses ones that would not include retail, walk-in or heavy parking.

Chairman Smith interjected that this was not an enabling ordinance because this was already allowed. He said this ordinance would include additional things that could not be done.

Commissioner Maxwell said he was not sure that he agreed with the overall concept of the M-1 zoning district but this was not an issue before the Board tonight. He said he was not sure how this zoning district got approved in Fayette County but it was certainly not something that he would have approved.

Commissioner Frady asked if there was a lot of walk-in retail business located there.

Mr. Dutton remarked that if a business owner wanted to locate a business selling handbags in that district they were now told no. He said in a wholesale operation it was defined as selling in mass quantities and distributing it out then they can do that, but the Planning Commission and staff were specific that they wanted to keep the retail out.

Commissioner Maxwell said in looking at this there was farm equipment sales, feed sales, fertilizer sales, tire sales, and shrubbery sales. He felt these sounded like retail sales but he questioned if it stated somewhere in the body of the ordinance where it was restricted to only being commercial.

Mr. Dutton replied that these were already in the ordinance.

Commissioner Maxwell said airports, hotels and trade schools were also listed and would be permitted.

Commissioner Frady suggested this be addressed at some point.
Commissioner Maxwell said he had a problem with the overall scheme of this zoning district and he just could not support this and allow more businesses to be located on North S.R. 85.

Commissioner Frady questioned Section C. conditional uses. He said it stated that animal hospital/kennel commercial or noncommercial. He felt this needed review at some point to see if there was anything that might need changing.

Commissioner Maxwell felt this zoning district was a dumping place for obnoxious things. He said there were experimental labs, feed lots, recycling centers and so forth and it just looked like a dumping ground. He said he was not sure of what the intent was for this kind of zoning but he did not know why there would be a zoning for "eye sore" type things that everybody wanted to keep out of Fayette County.

Attorney McNally remarked for many years M-1 zoning had been located in these areas. He remarked that M-1 was a use where things that would not be located in an office park or retail center would be located. He noted that M-2 zoning was even more intense. He said each community had to have some of that use in it and for many years this was where it had been located in Fayette County. He said it was up to the county to either aesthetically or in other ways make it as acceptable as possible. He said staff was recommending adding some uses and those uses have a little bit more sales flavor than there had been in the past. He said the county gets more calls for that rather than heavy duty manufacturing.

Chairman Smith asked if the Board had any further comments. Hearing none, he called for the vote.

The motion carried 4-1 with Commissioner Maxwell voting in opposition. A copy of Ordinance No. 2007-02, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.