

THE FAYETTE COUNTY PLANNING COMMISSION met on July 5, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
John H. Culbreth, Sr, Vice-Chairman
Al Gilbert
Jim Graw
Danny England

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Chakevia Jones, Planning & Zoning Coordinator

Dennis Davenport, County Attorney

ZBA MEMBERS PRESENT: Bill Beckwith

Welcome and Call to Order:

Chairman Haren called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the meeting held on June 21, 2018.

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

OLD BUSINESS

2. Discussion of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions, Sec. 110-79. - Accessory Structures and Uses, Sec. 110-125. – Agricultural-residential and Sec. 110-169. – Conditional Use Approval.

Pete Frisina stated that he has added the definition of flag lots to say *Lot, flag, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the minimum lot width is met.* He said the language on page three (3) pertaining to front yards has been struck out and moved to page six (6). He added that the verbiage about lot size is separate, and it applies to all buildings. He stated that he has decided not to come up with a procedure for the Planning Commission to determine front yard, but to go by *Sec. 110-106. Front, side and rear yards on a flag lot or a nonconforming landlocked lot which states that due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback as measured from the closest right-of-way and whichever is greater shall apply. Minor Subdivision Plats and Final Plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to*

apply. He said zoning is geared to suburban development; the pattern that's been picked for flag lots pushes the house back from the road. He stated that that type of development makes sense when the house fronts the road, but you lose that orientation with a flag lot.

Jim Graw asked if there is an illustration reflecting the proposed lot orientation.

Pete Frisina relied yes.

Dennis Davenport stated that there should be a minimum threshold for people developing flag lots.

Jim Graw stated that the decision making process pertaining to flag lots has been taken away from the Planning Commission.

Pete Frisina replied that flag lots have been taken out of the subdivision regulations.

Jim Graw said he liked it.

No action was taken on this item and the discussion will be continued at a future meeting.

3. Discussion of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.

No action was taken on this item and the discussion will be continued at a future meeting.

4. Discussion of tourist accommodations.

Pete Frisina stated that he had met with Dennis Davenport and Chief Myers of the Fayette County Code Enforcement how to regulate tourist accommodations.

Dennis Davenport stated that on Adams Road there had been a lot of calls from neighbors about the amount of traffic in the area from tourist accommodations. He said he met with the neighbor to hear their concerns and Fayette County developed some stringent regulations. He said the recent conversation between he, Pete Frisina, and Chief Myers dealt with what they're regulating. He stated that this industry includes utilizing houses for the intended purpose of a house. He stated that identifying these locations is extremely difficult. He said after you identify them, should they pay hotel/ motel tax. He stated that the property may have the intent to be used as a tourist accommodation, but is it actually being used for that. He added that he thinks the data mining service should be used, followed by mailing them a letter, and asking them to come in and register.

Pete Frisina stated that Planning and Zoning and the Planning Commission had been looking at handling tourist accommodations through a zoning approach, but Dennis Davenport thought it should be a code issue.

Dennis Davenport said again, the house is being used for its intended purpose.

Pete Frisina stated that he thinks tourist accommodations should be regulated through the code enforcement section of the code. He added it won't fall under zoning or the Planning Commission, but it would be good to get the Planning Commissions input.

Dennis Davenport replied that we would have to ask ourselves if this impacts zoning at all.

Pete Frisina said one way it affects zoning is by the A-R Bed & Breakfast. He stated that he's asked Ingrid and Claude Barnes to come in and talk about their experience.

Ingrid Barnes stated that their B&B was initially impacted from a zoning perspective because they were zoned R-70, not A-R, which required the property to be rezoned first. She said she went through the tourist accommodations regulations line by line and suggested the definitions be expanded. She noted that *home share and whole house* aren't defined. She also mentioned that they we're restricted to subdivision requirements even though they weren't in a subdivision. She said there's an economic factor that needs to be identified, and that the cost of renting a room and going through the regulations Fayette County imposes would be a deterrent for some people. She further stated that there is also a lot that needs to be done for the safety of the community.

Pete Frisina asked how many acres they have.

Ingrid Barnes replied 19.8.

Jim Graw stated that in terms of what we discussed, Ingrid Barnes' business would be similar to partial house rental. He said he thinks we should put some heavy restrictions on tourist accommodations because we put heavy restrictions on A-R B&B. He asked what Fayette County's liability would be, if there is any.

Dennis Davenport replied that Fayette County's knowledge is what's important. He said when the County finds out about residents are renting out their homes we can send out letters and diligently follow up. He added that it won't be completely absolved, but we can say we've taken steps to do something.

Bill Beckwith asked if Fayette County would have some liability if the data miner informed them of who is renting.

Dennis Davenport said that the data miners won't tell us they're actually renting their homes just that they have the intent to rent the home. He added that without an admission, the County is just speculating.

Brian Haren stated that the Planning Commission spent months working on the B&B ordinance and some of the concern was protecting the neighboring land owners. He said he doesn't want a B&B in his neighborhood with no knowledge of who is staying there. He added that if this business gets out of hand it could have an effect on property values. He stated that he thinks short term rentals should be regulated strictly or A-R B&B's deregulated.

Ingrid Barnes stated she would be fine with loose regulations on short term one room rentals. She said she just wants the ability to do more with her property such as small scale events.

Brian Haren stated that Ingrid Barnes was engaged in a commercial activity, and so are they people who engage in short term rental. He said it's incumbent to require them to abide by the same rules we required of you.

Jim Graw stated that he thinks the zoning ordinance would be the way to go to regulate tourist accommodations.

Pete Frisina stated that the codes don't impact the Planning Commission.

Al Gilbert asked who enforces the County codes.

Pete Frisina replied code enforcement does.

Al gilbert stated that this could be a costly venture that requires hiring somebody.

Pete Frisina stated that the Board of Commissioners has to determine whether this is something they want to regulate.

Dennis Davenport said the most likely resolution is using the data miners to find the renters and send them the letters to start this process. He added that we have to act based on what we know, not what we suspect.

Jim Graw asked what the basic information was the data miners gave us.

Pete Frisina replied that there was a certain number of sites renting in or close to Fayette County. He said the websites give general, not specific information.

Jim Graw asked what the cost is to utilize the service.

Pete Frisina replied that for unincorporated Fayette County only it is \$4,000. He said he thinks the best bet is to go through the County code pertaining to tourist accommodations and make some changes.

Brian Haren asked if we were meeting with the Board of Commissioners.

Pete Frisina said he didn't think we were ready to discuss anything with them. He suggested they postpone the meeting.

Danny England asked what would be the incentive to come in and get a tourist accommodations permit.

Ingrid Barnes stated that it provides a sense of comfort to people who won't stay with strangers. She added that the regulations imposed will show that tourist accommodations in the area have been legitimized by Fayette County.

No action was taken on this item and the discussion will be continued at a future meeting.

5. Discussion of the Future Land Use Plan.

Al Gilbert stated that there are a lot of one acre lots in the area between Seay Road and Harp Road.

Pete Frisina replied that in the area around Harp Road there are some one, two, and five acre lots. He suggested the area around Seay Road be zoned to one acre lots.

Brian Haren asked if we were just amending that area on the land use map.

Pete Frisina stated that that area is all there is to be amended.

No action was taken on this item and the discussion will be continued at a future meeting.

Chairman Haren said he would entertain a motion to adjourn the meeting.

Al Gilbert said so moved. John Culbreth seconded the motion and the motion passed 5-0.

The meeting was adjourned at 8:34 pm.

**PLANNING COMMISSION
OF FAYETTE COUNTY, GA**


BRIAN HAREN, CHAIRMAN

ATTEST:


