

THE FAYETTE COUNTY PLANNING COMMISSION met on September 19, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Howard Johnson, Planning and Zoning Coordinator

STAFF ABSENT: Chanelle Blaine, Zoning Administrator

GUEST: Donna Black

Welcome and Call to Order:

Chairman Culbreth called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the Planning Commission meeting held on Thursday, September 5, 2019.

Danny England made a motion to approve the minutes with changes as noted by the staff of the meeting held on Thursday, September 5, 2019. Brian Haren seconded the motion. The motion 5-0.

OLD BUSINESS

2. Discussion of the Subdivision Regulations

Pete Frisina began by saying that he wanted to acknowledge that Donna Black was has returned.

Chairman Culbreth replied that she's a great resource.

Pete Frisina began with saying you have bits and pieces of the ordinance that I have been working on. He noted I didn't send everything out because it wasn't much to see. He began by starting out with page 40. He said based on a discussion first and then presentations we had two (2) meetings ago from Donna Black and Randy Boyd along with some additional information I looked how much square footage can be put on a lot. He explained we looked at the contiguous areas and what I have come up with is the recommendation that that A-R be .6 acres contiguous area; and that everything else be .3 acres.

Pete Frisina explained the amount that you can build based on the lower classifications, by looking at the spreadsheets. He stated most of what of we think can be built on these lots the .3 all those lower

classifications of lots and those can be from one (1) to three (3) acres zonings. He explained when you get to the five (5) acre is where you jump to another level especially in an A-R where you get the additional buildings so that why I went to .6. He added I think we looked at all kind of combinations of accessory structures, swimming pools and tennis courts and things of that nature and found that .3 for the lower lots works and .6 for the A-R works. So, how does everyone feel about that is everyone good.

Brian Haren replied, yes.

Pete Frisina said I added what is supposed to be out of the contiguous area, and I think we have always looked at floodplain because it is hard to get away from it but just never mentioned it, so I put floodplain in there. He added there is some reference to the contiguous area within the accessory use section, so I made a note to go back and change that. He explained again this number one (1) and number (2) notations under the table, at the bottom of the page, states that if you have a septic system and public water you can have an (1) one acre lot but you if have a septic system and a well you can have 1.5 acres. He noted, there is a difference in how much contiguous area again, and I thought it was unnecessary so I took that out.

Pete Frisina then said if you go to page 41, there are so many things in here, I am still going through this page trying to figure things out. He added I don't know if we ever had a situation where, other than one (1) that I can think of where property was added to a subdivision and use the same name. He noted I don't know where we went through this process but we approved the subdivision, so apparently we did. He added if someone comes in and wants to connect that subdivision to an internal road system, I think yes, I think we need to make sure we are good with that name. He explained let's say you have a subdivision on the side of the road with a closed road system an 40 lots and someone wanted to come in and next door and build another replica of that same subdivision but not have an internal connection, does it make sense to have the same name for that subdivision if there is not a relationship of some sort. He concluded I don't think so.

Donna Black replied the only reason somebody would want to do that is if the first subdivision had done a lot of marketing and done well with selling the lots and the one (1) next to it want to be Estates at Whatever, but that just creates confusion for EMS, and that seems more important.

Pete Frisina replied if someone wants to create an internal connection between the two that makes more sense.

Donna Black responded that is part of the same subdivision.

Pete Frisina replied if you said I want a duplicate subdivision next door and I am not going connect them but I want to call it the same name.

Al Gilbert responded I would think Public Safety had input on those namings.

Pete Frisina responded they really don't get into the subdivision names as much as the street names. He stated again, here's something in the ordinance that I don't think I have ever had to deal with. He

noted when I run across these minor things and half the time should I delete them, but the first time I delete something, then all of a sudden you need to have it.

Brian Haren replied keep it there because if you listen to the police traffic in the County, the dispatchers do reference the subdivisions.

Pete Frisina replied alright, I just made a rule that the internal street is the important part, I don't care if you have a separate entrance on the outside but I think there needs to be some internal connection. He added the only one that we have recently was Longboat but they did not have another external entrance. He explained everything was kept within the boundary of subdivision, they made a connection and then continued the development into the other piece of property that was just north of it; the street did not come back out to the highway. He concluded to me that is the perfect example that makes more sense.

Arnold Martin responded going back to the EMS, I am in an older subdivision here in Fayetteville, and some of the original homeowners said they had to actually change the names of some of the streets because it was too confusing and they were driving around and around trying to find the location, this was before GPS.

Pete Frisina responded that there was a lot of duplication years ago.

Pete Frisina noted at the bottom of page four (4), I am now creating a different conditional use aspect for the external storage unit. He said, on number two (2), I looked at the way we described the side and external accessed, brick, stone, stucco, or similar materials compatible with the area, that's very subjective. He explained so rather than using materials compatible with the area, which I don't know how to administer, I grabbed these from another portion of the ordinance. He added at least it is clear what I am looking at and I don't have to make a judgment.

Arnold Martin asked what if there is some new building that material comes out commercially, and they want to use that.

Pete Frisina replied if someone comes up with something that becomes a standard building material we will go back and put it in. He added when we use terms such as compatible with the area, that a term that is not clear. He explained somebody is going to say I like or I don't like it, and that is not a good thing to have in the ordinance.

Pete Frisina then said if you go down further on page five (5) that where I created a new conditional use aspect for an internal-accessed storage facility. He added I took what we did of Highway 54 and kind of fit it into an M-1 & C-H zoning district, which I didn't think needed to be as quite as restrictive as what we are doing in special zoning district in an O-I. He concluded I set the same storage unit space at 600 square feet.

Brian Haren replied the reason I circled it, Pete, because the exterior one is 550.

Pete Frisina replied I know, on the interior one on Highway 54 we set it at 600.

Brian Haren should we make the exterior one 600 also.

Pete Frisina replied I don't know where the 550 came.

Brian Haren noted that need to we make them the same for consistence sake, somebody will ask that question.

Pete Frisina replied okay, I will set them both at 600. He explained again, I am using the same verbiage under number two (2) for the exterior as I am for the interior, same verbiage. He noted in the both of those the transportation corridor overlay will override those, if it falls into one. He explained the vehicle loading area should be located to the side or the rear not facing the street and I used the same required canopy if is on the side of the building. He noted no outside storage of equipment should be allowed since it an internal storage facility. He also added vehicle and boats should be fully enclosed, which is what did on the other one (1). He said exterior loudspeakers shall be prohibited on the site, I grabbed this one (1) from one of the above notes. He concluded this will be a new conditional use under M-1 & C-H, this one (1) is not requiring businesses, it is straight storage, and it is not an issue.

Pete Frisina said the section for residential accessory structure is on page one (1), I think this where I did the cleanup for the contiguous area. He moved the on to page two (2), he said one (1) of the things I am doing under number (3) is working is hoop houses, for some reasons they are temporary in nature, it seems like we are counting them as a structure, as if it was permanent. He added I don't know why we would do that because that limits you what you can do on your property. He explained right now under your typical R-district and you have less than 5 acres, you get up to 1800 square feet of accessory structure footprint and you have no more than two (2) structures. He further explained you can have that 1800 square feet divided into two (2), but you can have no more than 1800 square feet combined with no more than two (2) structures. He concluded I saw no reason, if somebody put up a hoop house made out of polyurethane and PVC pipe, I shouldn't say you can't have another accessory structure, since it is temporary in nature.

Brian Haren asked did you update the definition of what is a temporary greenhouse. He added that it is not to exceed ten (10) feet in height.

Pete Frisina noted that is what we came up with long time ago.

Pete Frisina said another issue has come up, under the accessory uses structures, which I call them residential accessory use structures. He noted you can have a guest home not to exceed 700 square feet of living area. He added it can be in combination with another structure, you can have a garage as long as you say I am creating a guesthouse and it's not more than 700 square feet. He explained however with the farm outbuildings, which are allowed in A-R, it specifically says you cannot have residential in combination with one of the farm outbuildings. He added the farm outbuilding being built in this County are not built with dirt floors anymore, they are some high-level, high dollar buildings. He explained given the nature of those buildings, I would like to add that provision that

only 700 square foot per lot. He added to allow it in the residential accessory structure or in combination with one of these farm outbuildings, that being the farm outbuilding, that being farm outbuilding, auxiliary structure or horse stables. He noted I didn't add greenhouse to that. He added I actually have someone who is wanting to build a nice high-level, very expensive building. He concluded I would like to permit it under the farm outbuilding but wanted to add the guest house to a relationship with that.

Arnold Martin questioned, so this limited to 700 square feet, what so category would this go into if they had 1000 square feet building.

Pete Frisina replied if go the back of page three (3), so the first sentence says you only one (1) guest house is allowed for individual lots, also see Section 110-69 (w) which is the farm outbuilding. Again, I put the same sentence in there saying one (1) guest house is allowed per individual lot referring back to this section. So what I am trying to do is to tie this sentence together to say is no matter where you put them, whether it is a residential structure or auxiliary structure or farm outbuilding you only get one (1), not two (2), that why they are cross-referenced. One (1) guest house allowed per individual lot, period, in both cases.

Al Gilbert directed the group to number six (6) on page five (5). He asked the group to remember when Mr. McNally said he said he was not comfortable when we tried separate A-R into two (2) different rules. He added that once it is zoned A-R, we should allow what's allowed in A-R. He explained that (McNally) was afraid we would be stricken down one (1) day by a judge who may ask why are we separating five (5) acre and ten (10) acres in an A-R zone. He concluded well, I see his point, we never did anything to address it but every time I see it I get a little nervous.

Pete Frisina responded here is the way I look at that, within the subdivision structure of an A-R subdivision you are looking at lots mainly five (5) to ten 10 acres. He explained once you get over 10 acres you probably aren't looking at too many lots within an A-R subdivision, those lots are going to further out and could be more agriculturally-used as opposed to those lots within an A-R subdivision. He added although within an A-R subdivision you can still get up to 3600 square feet for an auxiliary or farm outbuilding, I don't really see that as an issue but let me ask you this. He added under the residential accessory structure, I have a finite amount of square feet that I can get but I have two (2) of them. He further explained in number six (6), I get one (1) 3600 square foot farm outbuilding, I don't have the option to say can I have the 3600 square feet and divide it between two (2) structures. He concluded is that something we might want to consider.

Danny England replied I think you are more likely see multiple buildings in A-R than you be in an R-district anyway. He added if somebody got a barn and they want to build another structure, they got a horse stable, they got a barn, they may have 2, 3, or 4 structures.

Pete Frisina asked do you want to say on number six (6), you can have up to two (2) structures. He added does that make sense?

Danny England replied, sure.

Arnold Martin replied do we want to say two (2) or multiple structures not to exceed 3600 square feet.

Pete Frisina responded you could not exceed 3600 square feet for the lot. He added you could have at least two structures that combined equal 3600 square feet.

Arnold Martin asked why two (2) and not three (3) 1200 square foot.

Pete Frisina replied it was the standard we set under accessory structure.

Danny England said that an excellent point you made about A-R subdivisions. He added if I go down to Brooks and I buy 50 acres for a cattle ranch, that's very different than having a five (5) acre lot in a subdivision. He questioned should we make the separation A-R subdivisions vs. A-R lots.

Al Gilbert replied we can have a sub-zoning called an AR-S for an A-R Subdivision and an A-R for everything else.

Pete Frisina replied we can do that. He noted under number six (6), what we can do is talk about those lots of five (5) to ten (10) acres, I don't care if you want to do the acreage or not. He added those will be the lots that are served by an internal local road. He said Donna, what do you think.

Donna Black replied I am trying to figure out what is internal local road.

Pete Frisina replied what we did in the past, was to make a differentiation between what is a local road in the County and an internal local road, which is a subdivision street, in that it serves only those lots within the development. He explained we made some rules based on if you have a lot that is served by an internal local street it its different that if you have a lot that is along the side of Redwine Road. He added due to character of the area, we want it more restrictive than if you were just out in the open area of the County.

Pete Frisina asked Donna, you doing some A-R subdivisions, are you guys going to covenant those in some way or do you have any feel for how you are going to do those.

Donna Black responded there will be very light covenants, because if you live on five (5) acres, you should be able to do pretty much whatever you want as long as you are not disturbing your neighbors.

Pete Frisina replied, so in A-R with five (5) acres, I can have unlimited livestock.

Donna Black replied, is that the way it is currently.

Pete Frisina responded yes,

Donna Black replied wow; that can be a lot of cows.

Pete Frisina said that can be horses, pigs, whatever you want.

Donna Black replied does that mean unlimited number of livestock or unlimited types of livestock.

Pete Frisina replied unlimited. If I own an A-R lot that is five (5) acres, and I want to put 50 pigs on it, you can put 50 pigs on it, or house or chickens. He added I don't know you guys are going to deal with that or not in your covenants, but understand under A-R you are unlimited in the amount or livestock animals. He concluded the only thing would be if turned into some kind of health hazard.

Pete Frisina referred to numbers under five (5) and six (6), let me take a look at those. He added maybe the lot differentiation isn't an issue, if I have five (5) acres outside of an internal subdivision, should we limit the number of farm outbuildings that we can have, that would be the question.

Arnold Martin replied I would say no, because it could be in the middle of somewhere.

Pete Frisina replied let's say five (5) acres tract the side of the road, for example, Brooks Woosley Road, is not served by an internal subdivision and probably doesn't have a subdivision name. He said the question is right now, even the lot that is on the side of Brooks Woosley Road is zoned A-R, it has five (5) acres and limited of how many of these right now. If were to say under that pretense farm outbuilding are unlimited, but R (residential) structures are limited. So I will work on that.

Donna Black responded if you think about, you got a horse stable, you got your tractor barn, you got your smokehouse, you got your small equipment storage, etc. She added I am talking farm outbuildings, your chicken house is not going to be in the same building as your tractors, so 3600 square feet and you decide how to divide it up; you got buildings setbacks.

Danny England responded that if you travel through South Georgia, every farm you pass, the house is 1200 square feet while the barn is 4000 square feet.

Donna Black said that you need multiple buildings.

Pete Frisina replied I can tell you from I know there is not too many people doing a lot agriculture unless you are much large acreage than ten (10) acres. He explained I am seeing a lot people that build, they may have 15 acres or 20 acres at the most, they want a large farm outbuilding mainly because they have tractor to mow the land. He added once in a while you have people who have cows. He explained on a smaller lot you're going to find more people raising cattle than any kind of crop farming. He concluded I would say some of the biggest agricultural operations that we have are greenhouses, they grow plant materials and things of that nature.

Donna Black asked what benefit is given to the citizens of the County if you tell somebody they can't have a hay barn, a horse barn and chicken shed. She added if they have five (5) acres, with enormous setbacks, let then spend their 3600 square feet however they want.

Pete Frisina replied we are talking about not even having 3600 square feet.

Donna Black replied that even better.

Al Gilbert asked what about the guy who had nine (9) acres out in the middle of nowhere we have

really restricted him.

Pete Frisina replied okay, I going to throw a monkey wrench in this. He added we did a GIS analysis of the A-R lots that were in the County. He explained a surprising percentage of then them are less than five (5) acres, because the Board blanket zoned the County back in 1980. He noted that A-R prior to 1980 didn't require five (5) acres. He also added after 1980 A-R required five (5) acres, so there a multitude of lots out there that are zoned A-R that are not five (5) acres. He concluded they are grandfathered in, but the question is how much should we looking at those and saying if you are on less than five (5) acres, living in the farm out buildings.

Arnold Martin asked go back to what he said, it's that in an interior subdivision.

Pete Frisina responded right now that is not a provision, so technically if you look at number six (6), and maybe this is how we interpreted it. He added if I have a non-conforming A-R lot and don't have five (5) acres, you don't get the 3600 square feet.

Arnold Martin asked how much do you get.

Brian Haren replied that's a tough one though.

Pete Frisina responded, you don't get the farm outbuilding.

Arnold Martin asked if I have 4.75 acre and it's been A-R forever, and my neighbors got five (5).

Pete Frisina asked Howard Johnson how big was the lot that we are dealing with on Westbridge Road that zoned A-R.

Howard Johnson replied its .799

Pete Frisina responded why don't we look at that too, because I think there is an issue. He explained we did the analysis, I will do it again and we will ask how many lots out there in A-R are non-conforming and what are the ranges. He added we got one (1) that's .7, it's zoned A-R.

Pete Frisina asked how many square feet did they want to add to the house.

Howard Johnson responded 400 to 500 to bring it up to at least the minimum.

Pete Frisina responded the house is not 1200 square feet and the is no place to build without getting a variance because all the setbacks are impacted. He said why do I look at A-R and work on number five (5) and six (6) and come up with something and figure out what to do with the non-conforming uses.

Brian Haren asked going back to the A-R 4.75 acre lot, what can I do on that lot today.

Pete Frisina replied to could have your house, you could have the accessory structures under the R

districts, but the way I read this is that you don't get a farm outpost because you are not five acres.

Brian Haren stated that R in A-R is the controlling factor.

Pete Frisina stated that these are conditional uses in A-R, it seems to indicate you have to have (5) acres to have a farm outpost I think it need to be looked at. He added I need to dig that up, many A-R lots are out there, how many are non-conforming and what is the ratio of non-conforming and how many are .7 and how many are 4.75 and make some allowances for that.

Arnold Martin asked then would there be a grandfathering in or would something affect the next time the property changes hands.

Pete Frisina replied no, we don't that. I think the day the Board approves something is the day I start enforcing the ordinance the way they approved it.

Pete Frisina said under the nonconforming structure rule you can go back to the Zoning Board of Appeals and ask for a continuation of a non-conforming structure or use. There is an option to go back to say the barns been here for a number of years, the tree fell on it and it I want to put it back, I have 4.75 acres.

Pete Frisina replied let me look at number five (5) and (6) and I will come up with something else, and try to figure out all this A-R and how to deal with it.

But are you good with the accessory use of allowing the living quarters and only one per lot, it can be under the R district, the residential structures or within this, you don't get two of them.

Donna Black asked to make a comment, she noted that 700 square feet for the guest house is very difficult to find a plan for a guest house that is only 700 square feet because we build one.

Pete Frisina replied you mean a canned plan.

Donna Black responded yes, I thought I was going to have to block off part of the area upstairs above the garage because you get two cars in a garage and a stairway you are over 700 square feet unless you don't count stairway. She added we eventually found one, it's tight, and if you want a little better architecture, you might want to give people a little more room to have that architecture.

Pete Frisina asked what you had in mind.

Donna Black replied at 850, there were a few models.

Danny England asked in your scenario you are counting the bottom floor square footage also.

Donna Black responded no, I was just counting the upstairs but based on the size of the two door garage.

Danny responded 24 x 24 means 24 x 24 studio above it right.

Donna Black replied but you need a stairway to get up stairs, if you count the stairway floorplan.

Pete Frisina replied I think that 700 was put in here not create a situation where it is a tenant space. He added if you take a number that was very low to not to induce people.

Donna Black replied that I understand that you don't want a three (3) bedroom house next to a three (3) bedroom house, but the 700 foot plan that I found is basically the size of a studio apartment, which is one room and a bathroom and a kitchenette, there is no stove.

Pete Frisina replied you are saying 850 would be better,

Donna Black said you might want to look at it, especially if you want a little better architecture.

Arnold Martin said I have a question in the complete reverse of the all of the sizes that we have been dealing with, last week someone introduced me to a developer who has come to the Atlanta area specializing in tiny houses. He asked within the County this where would as tiny house subdivision fit.

Pete Frisina replied we actually have someone that is doing a less than 700 square foot built off-site tiny home that comes in on a trailer that comes in on a trailer chassis.

Donna Black asked if this was manufactured housing.

Pete Frisina replied no, this is a tiny home. He added it will be brought in and they will put a brick base around it. He explained whether or not it sits on a brick foundation or looks like it does, the building department is working with him right now to make sure that it meets code once it gets here because it falls under the DCA and it doesn't get a sticker under DCA. He said manufactured homes have placards and stickers that are DCA approved, which means it has been built to standards. He further explained that we have had manufactured homes that come in two pieces and they have put them together and they create a permanent foundation underneath and it becomes just a house. He added this guy actually found one that will be built off site and it will be considered a tiny home, it is less than 700 square feet and his mother will live there. He also noted that a tiny home will be allowed as a guest house.

Arnold Martin asked what about a subdivision of tiny homes.

Pete Frisina responded good luck, I don't think the County will go below one (1) acre lot. The only place you are going to see a tiny house is a development where there is sewer. That's why you can have small lots and tiny homes.

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Arnold Martin replied like a cluster homes.

Pete Frisina replied that's a new innovation, obviously what they are doing over at Pinewood Forest is very innovative and has a lot of new concepts and I don't see a tiny home development in incorporated Fayette County. The smallest house we allow is 1200 square feet. So a tiny home is somewhere between 600 -700 at the most.

Arnold Martin responded if the smallest home we allow is 1200 and if it is not a guest house, then how would they be allowed to a 600 to 700 square foot house.

Pete Frisina replied in A-R the minimum house size is 1200 square feet, you can have a 700 square foot guest house on that same lot as long as the 1200 is your principal structure, so you have an accessory on the property.

Arnold Martin asked what if you had a family that came and they subdivided the family and they did one acre, and the child or parent said I don't need all this space, all I want is an 800 square feet house.

Pete Frisina replied I think the smallest house we allow is one (1) acres is 1200, and I think that is in R-20. So technically you are talking about a 1200 square foot minimum in A-R and R-20. AS you go up in the R districts, the minimum house size jumps up.

Danny England asked so the smallest tiny home that Arnold can build is 1200 square feet.

Pete Frisina replied, yes as a principal structure 1200 is the smallest you can build. As a guest house 700 is the largest you can build

Danny England asked if someone came in and wanted to build a 750 square foot house on a trailer chassis and wanted that to be their principle home what do you tell them.

Pete Frisina said I don't know if the City's (Fayetteville) ever's worked on it in general, other than Pinewood Forest, they were thinking about that for the City. There may be allowance now under their ordinance to allow it, because my counterpart that works over there had gone to a number of tiny home conferences in the Atlanta area.

Arnold Martin responded it is coming, we are literally fertile ground for that because we have so much land and it a matter of so many other things trying to get ahead of it. That why this guy was introduced to me, Arnold this guy is a developer he is looking around the different counties, what do you think.

Pete Frisina replied I just think the land to home ratio is too big in the County.

Brian Haren asked can we do something like a PUD.

Pete Frisina responded you know that is something that we can talk about. The issue that we have with PUDs is that is makes allowances for things other than single-family and we have had one PUD that wanted to have townhomes and over a period time they tried to work it out. This was the first PUD

that we had in the County which was Whitewater Creek, it never worked out because of the sewage issue. No one wanted to pay for the treatment and all the stuff you had to do to accommodate and little by little that PUD kept going to the process. After numerous time through the process, the said there are doing townhomes, it was too risky.

Al Gilbert noted that we had one proposal that was never submitted officially, but we had a lot of discussion where the developer wanted to create a small town atmosphere like a courthouse square and shops. But the difference would be if Danny England wanted to place his architecture business downstairs, Danny would live upstairs. This was very common in the 1920s and the 1930s, but they never did present it officially,

Pete Frisina replied they submitted the proposal but they withdrew it. Of course that was a component of Whitewater Creek in Highgrove, but again, the sewer thing it hard to get over that.

Brian Haren asked as developers, is there any money in tiny homes.

Donna Black replies depends on how much land you have to put with them.

Pete Frisina replied tiny homes don't work on big land, tiny homes work on little land.

Brian Haren said look at Pinewood Forest where you small homes that back up to common land. That's a cool European concept.

Arnold Martin stated again, I would love for us to get out ahead of that and to take a look, because just as we were talking about, I know that we are not Atlanta, but in Atlanta, they can't build them fast enough and they can't sell then fast enough and these units are selling for 200 to 300 thousand dollars.

Donna Black stated I wonder how much can you get for them here.

Pete Frisina said he would look into but not make any promises, however I don't have a problem with them being used as guest houses. The first guy came to the realization that it was much cheaper to have this structure built off site than to have it stick built on stripes.

Al Gilbert noted that a lot of commercial business do that now. Checker is hauled in on a trailer.

Pete replied that they are modular.

Arnold Martin replied I am getting more and more calls for construction loans for basically guest houses because of the AirBnB phenomenon. They are like hey I sitting on an acre lot, I have a main, I can run a driveway and put another 700 square foot guesthouse back there, I can rent that out.

Pete Frisina responded let me tell you that is specifically prohibited under our tourist accommodation.

Chairman Culbreth replied I was just about to ask that question.

Pete Frisina responded it specially says you cannot use an accessory structure for tourist accommodations. If you read the ordinance here it says the guest house should not be used as tenant space. He said, of course when violations come to our attention, we deal with it. He noted to give you an idea of what's going with tourist accommodations we now have a company that's going to data mine all the websites and will give us the locations of tourist accommodations within the County unincorporated. He explained they are supposed to register with us and with the rules and regulations that apply we don't know how many will want to continue to do it.

Al Gilbert noted that if you go through the Druid Hills area of Atlanta and look at home many garage apartments near the Ansley Mall area, it's not necessarily a bad thing.

Pete Frisina replied those were carriage homes because the person that took care of the carriage and the horses lived above it. I agree. I will look at.

Danny England said your right, we should start to think about some type of alternative housing section that covers tree houses, tiny homes, shipping containers, and mother-in-law suites.

Arnold Martin stated that we getting more and more people that area are not from here, that have lived in other parts of the country and the world where they are more advanced in ways as it related to housing, etc. He added there are going to be people who will say I understand it's been this way a 100 year, how about being in the 21st century.

Al Gilbert said I'll tell you what is happening now too, more and more kids are coming back home after college to live with mom and dad because they don't have the money to live elsewhere.

Pete Frisina said in my opinion, that's not an issue because that's a family situation.

Pete Frisina said about the innovative housing think, I can't discount that is coming. He said the vision of the County is that you have rural / suburban areas and then you have urban areas. He explained I think where we see those kinds of things happen in the confines of an urban area, to me that's where they belong because that's the only place they can be served by the proper infrastructure. He explained the County has maintained a very low density for two reasons; number one (1) we don't have the infrastructure to support dense development, and number two (2) it's the sense of place, the County wants to be suburban and rural, and cities want to be more urban. He concluded in fact, that's what's Fayetteville exactly trying to do in downtown now, is to become more urban; some people are saying we don't want to be urban.

Al Gilbert asked are the getting opposition from the City residents.

Pete Frisina replied oh yeah.

Al Gilbert replied I haven't seen anything in the papers.

Pete Frisina replied just go to some of the meetings.

Donna Black said it's all on Facebook.

Pete Frisina said a lot the City's residents do not want to see the City becoming more urban.

Danny England stated is the same thing we see in the County, it's the concept that it is changing, this what I think downtown Fayetteville should be, I want this big thing that they are talking about building here. He added it's always been the old white house, why don't we save that, but we have all this time to save it.

Pete Frisina said a lot of the citizens are not a 100 percent buy-in, some are, but a lot of them are not.

Brian Haren asked okay, what else.

Pete Frisina replied I am going to look at those sections, figuring out number five (5) and six (6) here, coming up with some ways to look at the farm outbuildings and deal with that. He added we will look at different sizes. He concluded we will look at those that are internally accessed and then try to figure out what do we have in terms of non-conformance.

The Planning Commission took no official action on this item and will continue the discussion at a future meeting.

NEW BUSINESS

Pete Frisina began by stating that the County attorney is looking at the criteria for the public hearings that have to be created or fall into place under the subdivision regulations. If I have an established subdivision and I am adding property to it or I am subdividing lots within it or changing use on a piece of property, I have to go through a public hearing to do that. As you know the one that same through about three (3) months ago was a subdivision was built many years ago, zoned R-40, but they built all the lots as if they were there (3) acres lots. They were built wide enough to allow them to subdivided per the zoning. So I think we went through that process. He explained that my issue that I have is the ordinance in the subdivision regs was basically was put in there with no criteria and nothing to make a decision, in my opinion. My feeling was that the underlying zoning is R-40, that the case they should be allowed to use it as R-40. If it is denied, we are in court.

Pete Frisina said the County attorney has a philosophy which I have asked him to come up with the criteria to back up his philosophy, so when somebody comes in an buys within a subdivision given the idea that every house is going to be three (3) acres in size and every house is going to be setback at 100 feet instead of 40 feet that those are characteristics that the developer created through the platting process. If somebody wants to change those aspects they have to go back to a public hearing to both you guys and the Board of Commissioners to decide whether or not those aspects of should be changed. So one of the issues we've had, and I brought this up last meeting and we have an issue coming up and we have talked to the attorney about it. So one of the character aspects that we talked about is similar, I am zoned R-40 but I want all the lots to be three (3) acres in size. The setback is 40 feet, I want it to be 75 feet. So back in the day, a plat would come in with three (3) acre lots would get approved. The county would approved a 75 foot setback, but you only need a 40 feet. I have taken the

position that if a lot within a subdivision has a 75 foot setback on it, I am going to abide by the plat. What I have an issue with is, what if someone says I want to build based on the zoning. Well, the setback issue is not one of the things that go through a public hearing process. Well, when talking to the attorney, I said we are dealing with a similar character issue that needs to be taken care of. Well guess what's coming up in a couple of weeks. So I just want to give you a briefing on this this. I spoke recently with the County attorney about because the subdivision regulations doesn't give us any guidance on how to handle this, what is your opinion on what we have to do. He said my opinion is that the Planning Commission needs to hear this and make decision whether the setback can be reduced from 75 feet to 40 feet.

Peter Frisina stated we have someone who wants to come in go this process which we really don't have one. So I give you the scenario. The subdivision was approved back in the 1970s. I looked at the rezoning and the conditions, there were no conditions about anything related to rezoning to R-40. The final plat came through and the County Engineer said approved except for setback, he crossed out the setback that was listed and wrote in 75.

Chairman Culbreth asked what law was that based upon.

Pete Frisina replied I don't know. That was his notation.

Brian Haren replied but then again the subdivision was build out against that standard.

Pete Frisina responded to a degree, it was.

Al Gilbert asked are there records from the hearing on that.

Pete Frisina replied, yes, but there is no discussion. That was back in 1972 or 1973, there is nothing in the minutes, and there is nothing that talks about that setback being increased to 75 feet. I also have another aspect of that subdivision, the road came back to a T intersection. So where the T kind of made that intersection a strip of land was left 50 feet wide that says future proposed road, and that 75 foot setback goes along that future road. So, we have an individual who like to reduce that, the ZBA can only reduce the County standards, which is 40 feet. The 75 feet extends beyond out here into the unknown area. We are going to have to bring this person in, to ask whether or not he can reduce that setback. I am basing this on the opinion of the County attorney. I don't know how we are going to do it, so if you have anything that can help us determine how you want to look at it.

Al Gilbert said I can cite the reverse example of that. Remember when Randy Hayes developed Surrey Park. We had changed setbacks at that time and we had conditioned his setbacks to equal setbacks next door or somewhere. You need to be consistent when you are developing an area with a required setback. Think about what it is going to look like when you 40 feet here and 80 here. No, we did not approve that condition. I don't know if you can go back and find it, but there is a consistency, that I think we should require.

Pete Frisina responded let me say this, just understand the situation, the 50 foot strip, isn't big enough

to put a road.

Donna Black you can absolutely put a road in 50 feet, and now all of a sudden everybody decided they needed 60 feet.

Pete Frisina replied 60 feet of right-of way now is the new standard for a road right now.

Donna Black replied but if you really needed a road you can out one in 50 feet.

Danny England replied that in the last meeting we talked about character, particularly with that site down there, I think that we are the Planning and Zoning Commission and typically we deal this zoning, because that is sort of the most black and white thing. Planning is a much more gray nuance thing to sort of look at.

Pete Frisina do you mean platting.

Danny England responded what we talking about is do we uphold the charter of that neighborhood and not allow them to reuse the property into something not appropriate.

Pete Frisina stated they want to reduce it to then go the ZBA to ask to have it reduced to even more. However, if all the front yard setbacks are set at 75 square feet, I think most of the houses are built at 75 feet, I can't say they all are. The actual house is facing the street and meets the 75 setback. There is a proposed road which I don't know can't be built on. This property has never been deeded to the County.

Pete Frisina responded in my opinion, as long as it meets the minimum standards for the zoning.

Chairman Culbreth interjected they can do it.

Arnold Martin, I guess that my point, I understand character and meaning, but I wouldn't want somebody next door to me putting some crazy up.

Pete Frisina but again we are talking in the context of a subdivision with a name, an internal aspect of it. He asked what are your feelings in handling this. He also asked do you want the person to come in and make his presentation. He added would you like the County attorney here.

Danny England and Al Gilbert replied both.

Arnold Martin replied I'd like both but I like to find out if there is any precedent anywhere else where there has been cases of anything that occurred.

Donna Black replied I have seen it.

Pete Frisina so in this case we have public hearings on the first meeting in October. Would you like to shoot for the meeting on the 17th and make sure the attorney here and I will tell this guy to present his case, and ask him to write something up and send it in prior to that giving his reasoning.

Arnold Martin asked does he already live in the house now or does he want to purchase it.

Pete Frisina responded that he already lives there.

Al Gilbert asked does it only have a 50 foot strip

Pete Frisina replied it has a 75 setback.

Al Gilbert stated but you are talking for cutting another road through.

Pete Frisina replied no, he want to build close to where the proposed road is supposed to be, closer than 75 feet.

Al Gilbert replied okay I misunderstood.

Pete Frisina replied technically it is a corner lot without another road, so he has two front yards and he want to build closer to that proposed road than 75 feet, and even closer than 40 feet.

Chairman Culbreth asked where is it located.

Pete Frisina stated Broom-Hall is the name of the subdivision, which is located off Rising Star. It was zoned back in the 70s.

Al Gilbert noted it is the Brooks area.

Pete Frisina asked so do you want to do the meeting on the 17th, I will try to get the attorney and try to get the homeowner to provide a write up. He is trying to build a garage, he needs to get permission from somebody first to reduce it to 75 and then get a variance from the ZBA for an additional reduction.

Donna Black asked what would the setback be if were on the side.

Pete Frisina stated if it were a typical side setback without a road it would be 15 feet.

Donna Black replied but it is not a road, and it has not been dedicated to the County.

Pete Frisina replied it has not been dedicated to the County but it still sitting there. We had to get information from the Road Department, who says we have to have 60 feet of right-of-way which is the new requirement.

Arnold Martin asked who owns all this space.

Pete Frisina replied I think there is a parcel behind the subdivision, that person may own that strip. Since there is only 10 acres back there, I don't if would be cost effective to try to put in a road to get lots off it. I don't know how many lots you can get out of it, because you need road frontage and other items.

Donna Black stated if they are not going to let them put a road in a 50 foot strip it needs not to be considered a future road.

Danny England asked will the ten (10) acres become land locked if we take away the strip.

Pete Frisina replied I don't know if that person owns that back lot owns that strip or not.

Chairman Culbreth said it is landlocked.

Danny England does the property have access somewhere else. So it is landlocked without this 50 foot strip.

Pete Frisina replied no, I don't know if that person owns that back lot owns that strip or not.

Danny England and Donna Black both replied it doesn't matter, it would be landlocked.

Pete Frisina replied technically yes, it does not have road frontage right now, it's landlocked. He explained technically if that 50 foot strip was owned and part of that ten (10) acres, that's not enough road frontage either for a lot, you need 100 feet of frontage for a lot.

Danny England asked did that exist from 1973.

Pete Frisina replied I don't know when all of this took place and who, what and where it is. The ten (10) acres in the back is ten (10) acres in the back. He said just to let you in this day and age, we will not approve a plat with setback greater that what the County requires. He stated I haven't done that in a long time.

Donna Black asked what who get to decide if he wants to build in the 75, the plat.

Pete Frisina replied if someone want to put a covenant in place, that's fine, but if someone comes in soon and says I want to have the setback be a 100 feet off the road. I would respond not on the plat you are not, because we are not enforcing regulations I can't backup in the ordinance. He adWith old ones I feel obliged to do what I have to do.

Donna Black concluded as a citizen and a landowner, I have a quick comment. She said I would encourage you to remember to not give more credence to the people who are surrounding the community at large, or the guy that lives five (5) mile away, over the person that owns the land that is

your constituent is the person who has invested in the land. She added when you start bringing in everybody's opinion in the community in into whatever this person wants to do who has invested in the property. She concluded, I am not talking about variances, but I am talking about making the rules, just remember who had skin in the game and who doesn't. She added thank you.

Chairman Culbreth entertained a motion to adjourn.

Al Gilbert made a motion to adjourn.

Danny England seconded the motion.

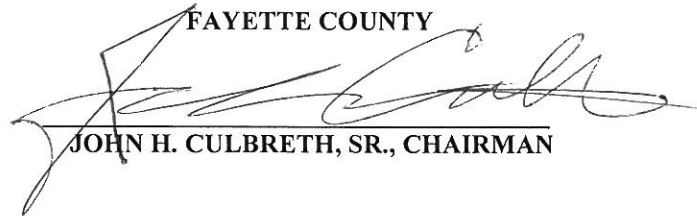
The motion passed 5-0.

The meeting was adjourned at 8:21 pm.

PLANNING COMMISSION

OF

FAYETTE COUNTY



JOHN H. CULBRETH, SR., CHAIRMAN

ATTEST:



HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY
