

**Planning Commission of Peachtree City
Meeting Minutes
Monday, August 26, 2024
6:30 PM**

Pledge of Allegiance

Chairman Scott Ritenour opened the meeting with the Pledge of Allegiance. Vice Chairman Kenneth Hamner, Andrew Kriz, Mitzi Johnston, and Alternate Ray Liotta were also in attendance. Commissioner Felicia Reeves was absent. Also present were Planning Director Robin Cailloux, Senior Planner Lora Hooks, Recording Secretary Martha Barksdale, and IT Specialists Elijah Brewer and Jadyn Talman.

Additions or Deletions

None

Announcements and Reports

Ritenour welcomed City Council members Clinton Holland and Suzanne Brown.

Ritenour suggested moving the conceptual site plan review to the top of the meeting. Johnston moved to put Conceptual Site Plan, Indoor Training Facility and Warehouse, 1001 Moba Drive, at the beginning of the meeting. Hamner seconded. Motion carried unanimously.

Approval of Minutes

1. Planning Commission Meeting August 12, 2024

Hamner moved to approve the August 12, 2024, Planning Commission meeting minutes. Kriz seconded. Motion carried unanimously.

Public Hearing

1. Zoning Code Text Amendment to Create a Short Term Rental Permit and Review Process

The crafting of this short-term rental (STR) ordinance started in 2022, Cailloux recalled, and drafts were presented to City Council in May, June, and August of 2023. Council sent it to the Planning Commission for a public hearing, which was held on Sept. 25, 2023, followed by a public workshop on October 9. Opinions were not unanimous, but the Planning Commission then voted to forward a draft with revisions to Council. Council held a hearing on November 16 and voted against adopting the ordinance.

The current Council requested staff to bring the ordinance back again for discussion. The Planning Commission had indicated they wanted to review the last version of the STR ordinance that included all the modifications suggested previously. She said the only change from that was the inclusion of detailed language required by the Georgia Bureau of Investigation (GBI) to give them the ability to conduct a nationwide background check on permit applicants that Council

had requested. Tonight, Cailloux said, the Planning Commission could forward the ordinance to Council again or continue the discussion.

She went over the main points of this draft ordinance. Permits were required for all STRs, both new and existing. A cap was set on STRs at 1% of the homes in the city. That number was determined by the tax assessor and right now was 135. People who could prove they operated an STR prior to the ordinance's adoption would get first priority on the permits.

The rentals could be the whole house or just bedrooms within a home. The house did not have to be owner-occupied. Rentals were not permitted for detached structures of any kind or for recreational vehicles (RVs). Subleasing was not permitted.

A local contact person was required. They must be at least 21 years old, available 24 hours a day and able to be on the property within one hour of notification. They could be a state-licensed managing agent, but this was not required. Instead of letters of notification to neighbors, Council decided the City would maintain a publicly accessible online dashboard of STRs that included addresses and local contact information.

Minimum standards for STRs included no parties or special events, all parking off-street on paved surfaces, and garbage screened from view. Sleeping could be done only in bedrooms as defined by the International Building Code. You could not fill a basement with bunkbeds and call it an STR. There would be a maximum of three people per bedroom. The City Inspector would be checking on this, Cailloux remarked. Noise ordinance and parking requirements must be posted, along with the phone number of the local contact.

STR owners and agents must pass a criminal background check, and the STR must pass both a Fire Marshal and Code Enforcement inspection. They must give the City a copy of the guest occupancy agreement. Permits were good for 365 days, and were \$400 for the first permit, and \$300 for renewals.

The first violation carried a \$500 fine, the second, \$750, and the third violation was \$1,000, plus the permit was revoked for 24 months and the owner or local contact (whoever was found guilty) could not apply for another STR permit for 24 months.

Ritenour opened the public comment portion of the hearing, first asking those in favor of the ordinance to speak.

Kathy Valencia said she lived in Smokerise, where the original "party house" that spurred this ordinance was. She noted that Peachtree City had a residential character; it wasn't a destination location. Most subdivisions did not have homeowners associations (HOAs) that banned STRs. She wanted tight restrictions, and suggested setting a specific number of STRs, not a percentage of homes so

that subdivisions without HOAs wouldn't be flooded with them. She also thought neighbors should be able to complain without the owner knowing who they were. Valencia suggested that the subdivision be notified of STRs and how to file complaints.

Glen Valencia said they had trouble with an STR near a home he owned in North Carolina. He said he would consider not allowing any new STRs; the ones that were already operating could stay.

Claudia Eisenburg said her HOA did not allow STRs or any type of rentals at all. She said homeowners did not expect a hotel next door. She was also concerned about fire safety in STRs.

Ralph Hail, too, thought STRs should be banned, but should be closely regulated if they were allowed. He was concerned about how the City could manage these regulations and supported maintaining an online list of STRs.

No one else wished to speak in support, and Ritenour called for those in opposition.

Chris Anderson said he owned a rental house that had been an STR for about six years. He thanked staff for this detailed ordinance, but said he had problems with some aspects, such as the database on the website. He said people could see where the property was and go there. He did not give out the address until the property was rented. Anderson also did not see the need for such a detailed background check. He asked if the fire codes were higher than what was required for normal residential property? He also asked about requirements for bedrooms, such as requirements for heated closet space.

Lois Bredemeier wanted a breakdown of the \$400 application fee because other business licenses were not as expensive. She thought the public database violated the Privacy Act of 2020 and the 14th Amendment regarding intellectual rights. She thought it would be too difficult to change the name of the contact person if there was an emergency. Bredemeier said opening financial records was illegal, and no other business had these restrictions. She said STRs were being made a scapegoat because of one leasing that went bad.

Mike Murtaugh said he operated an Airbnb for two years with no issues. He said this ordinance preyed on a fear factor, but he would like to see it based on facts. Murtaugh said there had been no police calls to STRs since the Smokerise house issue was resolved. Did the community want to put people out of business and pit citizen against citizen? He said they should start from the ground up.

Fayette County Board of Realtors President Iris Owens said this ordinance was an infringement on private property rights of owners. She also noted that property

managers had to be licensed real estate agents.

No one else wished to speak, and Ritenour closed the public comment portion of the hearing.

Liotta thanked the citizens for coming out. He asked Cailloux about the number of homes, and she said they included any residential unit that was taxed. He asked if apartments were included, and she said the restriction on subleasing meant someone could not lease an apartment then lease it out again as an STR. However, the owner of the apartments could use them as STRs.

The fingerprinting for background checks seemed heavy-handed, he said, but Cailloux said the GBI told them they had to use that language if they wanted nationwide background checks. She said it was the same process they used for massage therapy and alcohol licenses.

What did the fire and building code inspections include? Cailloux said it was not what hotels were required to provide and read from a checklist that dealt mostly with having escape routes in case of fire. These regulations applied to any home built after 2018. Liotta asked how they could stop people from parking on a public street, and Cailloux said they would have to obey the ordinance for the STR permit.

He went on to say he looked at STRs as essentially a single-use motel introduced in a neighborhood. He thought there should be some public notice to neighbors, maybe within a 200-foot radius.

Johnston asked how many current STRs there were? Cailloux said the tracking service scoured 80 websites and came up with 130 listings, but some of those were duplicates. They estimated 78 unique STRs operating now. She also wondered about the definition of a bedroom, and Cailloux told her that came from the International Building Code.

She then asked Cailloux about a breakdown of the \$400 fee. Cailloux said it would be higher when the new fee schedule went into effect, but for now there would be a fire inspection and a building inspection at \$125 each. She had divided the annual cost of the tracking service by the 135 STRs and added in \$75 for the background check.

Hamner asked Cailloux to recap the Smokerise situation. She said to the best of her knowledge, the homeowner leased it to someone who then leased it out as an STR. This was what prompted the "no subleasing" clause in this ordinance. They filled the rec room with beds and were generally disrespectful of the neighborhood. Cailloux noted that the City had since passed a noise ordinance that helped capture some of the parties. She noted that there had not been any recent complaints to Police about STRs that she was aware of.

Cailloux explained that the Smokerise house was not on an established rental platform but had its own website. She said the ordinance would not enable them to find those unlisted STRs, but it would give them grounds to shut them down if there was a problem.

Hamner asked if the 1% cap was standard, and Cailloux said the only place in Georgia that she was aware of with a cap was at Lake Lanier, and it was 15%. She said some cities outside of Georgia set maximums per census blocks. Savannah based the types of permits allowed on zoning districts.

Did they keep online registries for other types of businesses? Cailloux said Peachtree City did not.

Hamner then asked STR owner Chris Anderson to explain his comment that it was dangerous to make the addresses available to the public. Anderson said they did not give out the address of the house until the STR had been booked and paid for. He was worried that someone would know when the house was empty and break in. Mike Murtaugh also pointed out the danger of squatters.

Had Council looked at the legal risks of adopting this ordinance? Kriz asked. Cailloux responded that it had been vetted by both the City Attorney and the City Prosecutor, and they added language to protect the City and residents. In general, she added, this was supported at the State level.

Kriz noted that the Planning Commission had supported notifying neighbors within 200 feet of the STR in the version of the ordinance they passed up to Council, and Cailloux said that was correct, but Council changed it.

Liotta said he had never been required to give his home address and vehicle license plate number when renting an Airbnb. The home address was required, Cailloux said. She said she had been required to give a tag number. These requirements were at the request of the Police. Liotta thought the guest's data would be in the public online registry, and Cailloux assured him it would not. If there was an incident, they wanted the owner to have the guest information available to give to Police.

Ritenour said he had no questions, and Liotta had no comments.

Johnston again remarked that Peachtree City was a residential community, and Cailloux said that legitimized the low percentage of STRs. She noted that 25% of the homes in the city were already rented out. Could they limit STR ownership to Peachtree City residents only? Johnston asked. Could they set a length of residency requirement? The issue was the constitutionality of it—they could not restrict who owned property, Cailloux replied.

Johnston stated she was definitely in favor of regulations as a way to protect the community.

Hamner said they couldn't come up with something that would satisfy everyone. What happened in Smokerise was terrible, he stated, but there were owners who had been running STRs safely for many years, and these STRs were not causing harm to the community. Hamner said he was still of the opinion that they needed a registry and to monitor these properties, but he opposed notifying neighbors and having an online registry.

STR regulations would protect the character of the community and the safety of residents and visitors, Kriz commented. He said he felt they did good work in developing this ordinance the last time. A survey came out shortly after they forwarded it to City Council and reflected support for every major provision. The people who showed up to speak against this weren't the kind of owners they needed to regulate. However, it was easy for an STR to be a nuisance, and neighbors might not want to call the Police. Responsible regulations would keep it from rising to a level of harm.

Kriz said he didn't think they needed a database, but he did support notification of neighbors within 200 feet. He agreed that fingerprinting was not necessary and said it was possible to do a background check without it. The way they put it forward last year was still how he felt, Kriz concluded.

Ritenour also thanked the citizens for coming out to voice their opinions, saying Peachtree City residents looked out for their neighbors. He said the Planning Commission spent many hours working on this ordinance, and it was difficult to determine what was enough and what was too much. He said they had to rely on subject matter experts, such as the Police Chief and the Fire Marshal, along with Code Enforcement and the Planning Department on matters such as the background check process and adhering to the fire code.

Airbnb and Vrbo were not looking out for what was best for Peachtree City, Ritenour continued. He said what they put forward last year was good, although they thought Council would do some modifications and that didn't happen. He felt they did need something, though.

Ritenour noted that some people had commented that Peachtree City was not a destination, and he disagreed. The Convention and Visitors Bureau (CVB) promoted the city very well, plus they had to consider the U.S. Soccer facility that was being built and the continuing growth at Trilith. Once again, he said this was not against the people who ran their businesses well; it was to regulate the people who didn't.

Cailloux said she had just confirmed with Police Chief Janet Moon that fingerprinting was required for a nationwide background check. She noted that had

come up a lot and was one of the changes made since Council rejected the ordinance and sent it back. Ritenour said that went back to deciding what was enough and what was too much. There were people who owned STRs and did not live in Georgia. Did they want to tell Council to look at that requirement?

Kriz said they could say they were not comfortable with the fingerprinting and thought they should ask Moon to explain the need to Council. Liotta said he agreed, and Ritenour said they could ask Council to do that.

It was also agreed upon that they did not like the database, Kriz remarked. Ritenour said it shouldn't be available to the public, only to Public Safety. The current database of property owners was through tax records and did not include phone numbers, Cailloux explained, but they did require contact information for building permits. She also noted they were moving towards online mapping of all permit information. However, Cailloux said she could understand how criminals might use an online database to see which houses might be vacant at times.

Would the business contact information still be available through the permits? Ritenour asked, and Cailloux said yes. Kriz said he still supported the 200-foot notification. Ritenour said he believed that was what they recommended to Council. Kriz said he would ask Council to discuss the background check and the online database. Cailloux said when she presented it to Council the last time, she indicated which items were not unanimously supported and who was for and who was against.

Kriz asked how the motion should be worded. Cailloux said they were moving to recommend approval of the ordinance with consideration for replacing the online database with a 200-foot notification and removing the fingerprint portion of the background check.

So moved, said Kriz. Johnston seconded. Motion carried 3-1, with Johnston, Kriz, and Ritenour voting in favor, and Hamner in opposition.

Old Agenda Items

None

New Agenda Items

1. Conceptual Site Plan, Indoor Training Facility and Warehouse, 1001 Moba Drive

The Planning Commission considered this site the previous fall with a different plan, Hooks noted. It was presented by Highland Land Planning with Southtree Commercial and was located on SR 74 South in the Moba Industrial Park, zoned General Industrial (GI). This was two lots at 1301 and 1001 Moba Drive, but Hooks said they would have to be replatted as one lot before a building permit could be issued.

The setback requirements were front, 30 feet; side, 20 feet, and rear, 50 feet. A variance was granted in 2021 for lots 6 and 7 and in August 2024 for lot 8 to decrease the front setback on Moba Drive from 50 feet to 30 feet, due to the difficulty posed by having three road frontages.

Office/warehouse and an indoor athletic training facility were permitted uses in the GI district, but the athletic training facility was permitted on a conditional basis. One condition was that it have a dedicated entrance that was not shared with other tenants. Hooks showed this on the site plan. A second condition was that parking not interfere with truck traffic or loading docks, and she said the site configuration did that. There were additional conditions that would be assessed during the building permit process. Hooks noted that SR 74 had a 60-foot tree save buffer requirement and that being on the highway triggered the architectural review requirement from the Planning Commission.

The parking requirement for office/warehouse with no manufacturing was straightforward, Hooks stated, calling for one space per 300 square feet of office space and one space per 2,500 square feet for the warehouse. The ordinance did not have a specific parking requirement for pickleball, although there was a requirement for a commercial recreation facility and also requirements for the conditional use which required the owner to provide documentation showing there was sufficient parking to accommodate the proposed use as well as other tenants within the building.

The applicant used a combination of the commercial recreation facility, which required one space per 200 square feet of general floor area, and another requirement they imposed upon themselves. That said, because there were 20 courts that could accommodate four athletes each, it equaled 80 parking spaces. The general floor area would be about 10,000 square feet, which yielded 50 spaces by using the formula in the ordinance. Parking would consist of 80 space plus those 50 spaces for the pickleball facility, plus 29 spaces for the office/warehouse area. That totaled 159, and the plan called for 160 parking spaces. The plan showed 126 spaces in front of the training facility, and 22 in front of the warehouse and an overflow of 12 spaces.

Staff was of the opinion that the plan met the ordinances and recommended approval of the site plan.

Developer Chuck Ogletree of Southtree Commercial and Jason Walls of Highland Land Planning were present.

Kriz asked if they considered designating golf cart parking at the recreation facility, considering there was a path across the street? Ogletree pointed out that golf carts could fit into regular spaces, while other vehicles could not fit into golf cart spaces.

Hamner verified that there would be enough parking to accommodate the

maximum number of players, plus staff. Ogletree and Walls said there were. Hamner remarked on the congestion in that area when there were Moba tournaments, and Ogletree agreed, saying that's why they moved the parking so it wouldn't be next to Moba.

Johnston had a few questions about parking and the entrances that Ogletree answered.

Liotta noted they needed 130 spaces for the recreation facility and had 126 in the area next to that. If needed, pickleball players could park in the warehouse spaces, and it would probably be on weekends if this situation occurred, Ogletree replied.

Liotta wondered if there would be enough parking for pickleball fans during tournaments. As the owner of the building, they could manage the truck courtyard to handle that overflow if it was on a weekend when the warehouse would not be operating, Ogletree stated. He said they were figuring on a worst-case scenario, and the extra spaces should be sufficient. Liotta also said he wanted the lot line to be made clear on the site plan, even though it would be removed.

Johnston had no comments, other than she knew everyone was excited about this. Liotta said the reduction of the warehouse space made sense to him. Kriz said he would like to see golf cart spaces. Ritenour expressed concerns about parking when pickleball and Moba were both busy with events.

He also mentioned the lack of designated golf cart parking, saying it was not required, but he hoped they could be creative and find a way to accommodate it. The Commissioners, Cailloux, and Ogletree discussed various locations to add cart parking, but those were not feasible for various reasons. They agreed they didn't want to just jam the spaces in anywhere. Liotta said people could just use regular spaces, and Ogletree said he didn't see a lot of golf cart traffic in that area. Cailloux pointed out that Moba was for tournaments, so local people weren't using it. This pickleball facility would be for locals, so more golf carts might be in evidence there.

Kriz suggested they turn the three spots next to the handicap spaces into golf cart spaces, but that would require a variance or a reduction of the number of courts in order to meet the ordinance's parking requirements. He said it seemed their hands were tied.

Kriz moved to approve Conceptual Site Plan, Indoor Training Facility and Warehouse, 1001 Moba Drive. Johnston seconded. Motion carried unanimously.

**2. ~~Building Elevations, Car Wash, 210 Stevens Entry~~
Postponed**

Workshop Items

1. Planning Commission Presentation to City Council about Ordinance Updates

Ritenour gave some background. The Planning Commission dealt with ordinances and in those ordinances, there were idiosyncrasies, vagueness, and conflicting language. A project was started to create a unified development ordinance (UDO), but it never progressed, so they began to consider what they could do as a community to improve the situation. Golf cart parking, bicycle parking, car chargers, character of the community would all be part of the discussion, as well as creating consistency between the patchwork of ordinances, overlay districts, thoroughfares, and so on.

The presentation to Council had been moved back to the November 21 meeting. Cailloux said that would give any new Planning Commission members a chance to get up to speed.

Hamner noted they decided at the last Planning Commission meeting to propose the creation of a UDO and prepare for creating overlay districts for the remaining village centers. The UDO would consolidate ordinances, streamline regulations, and address inconsistencies, while the overlay districts would give each village center its own unique character.

At the presentation to Council, the Commission would ask for approval and funding by emphasizing the benefits of the UDO for redevelopment and future planning. By future planning, Hamner said they didn't mean for the next five years, but foundational planning for the next 100 years. Ritenour said he thought of it as revitalization, not redevelopment. This would be a hard, complex project in which they would need collaboration with experts and input from citizens, Hamner remarked. They had estimated two years for completion, but it would probably be longer. He said staff had provided them with examples of areas for improvement.

Goals for the presentation included asking Council's permission to create a UDO committee that would include Planning Commission members. They also wanted approval to engage with City staff and access professionals and experts for guidance. Another goal was to allocate either existing funds or funds in the budget for the UDO process.

Hamner went through some questions raised during the previous discussion and also some Liotta had submitted in an email. One dealt with how to proactively address concerns from Council members. Another asked if there should be UDO committee members other than Planning Commission members.

Cailloux asked Hamner if these questions should be answered by the November 21 presentation, and he said they should. She said some of them might be recommendations that the Planning Commission couldn't resolve. All committees, for instance, were technically appointed by the Mayor. Cailloux suggested they

discuss these questions as workshop items through the next couple of meetings.

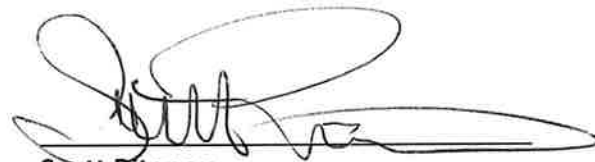
Hamner said he thought it was a great idea to use the next few meetings for a deep dive, using the questions and additional information to build up the presentation.

Kriz said he worried about their ability to hire a consultant. Cailloux said when the money did not get used for the UDO last year, it was not spent on other things, but went into the Capital Improvement Program to be used as a contingency fund. They might be able to use that funding and not go through the General Fund. Kriz proposed they look for qualified individuals who lived locally and might want to volunteer their expertise. Ritenour said that was a good point, and he hoped that would be the case.

There being no further business, Kriz moved to adjourn at 8:46 p.m. Hamner seconded. Motion carried unanimously.



Martha Barksdale



Scott Ritenour