COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina/Dennis S. Dutton
Meeting Date:	Thursday, December 10, 2009	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1216-09 and Petition No. RP-046-09, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates consisting of 1.03 acres from R-40 to O-I to develop Office Institutional Uses and request to Change the Use of Lot 18 from single-family residential to office-institutional. This property is located in Land Lot 127 of the 5th District and fronts on SR 54 West.

Background/History/Details:

Two years ago the Board of Commissioners denied Petition No. 1201-07 to rezone Lot 18 of Lakeview Estates Subdivision consisting of 1.03 acres from R-40 (Single-Family Residential) to O-I (Office-Institutional) and Petition No. RP-039-06 for a Revision to the Final Plat of Lakeview Estates Subdivision to Change the Use of Lot 18 from Single-Family Residential to Office Uses. Lot 18 has road frontage on SR 54 West only.

This petition is the same request. There are two petitions, one for the rezoning of the property and another for the revision of the final plat for Lakeview Estates, in the event the rezoning is approved. Staff recommended approval of the rezoning with 3 conditions. The Planning Commission heard the petition on November 5. There were only 4 Planning Commission members present. A motion was made to deny the request for rezoning but the resulting vote was 2 to 2. Therefore, no agreement was reached as to a recommendation to be forwarded to the Board of Commissioners concerning this rezoning.

What action are you seeking from the Board of Commissioners?

Final Vote on the Rezoning Petition and the Revision to the Final Plat Petition to Change the Use.

If this item requires funding, please describe:

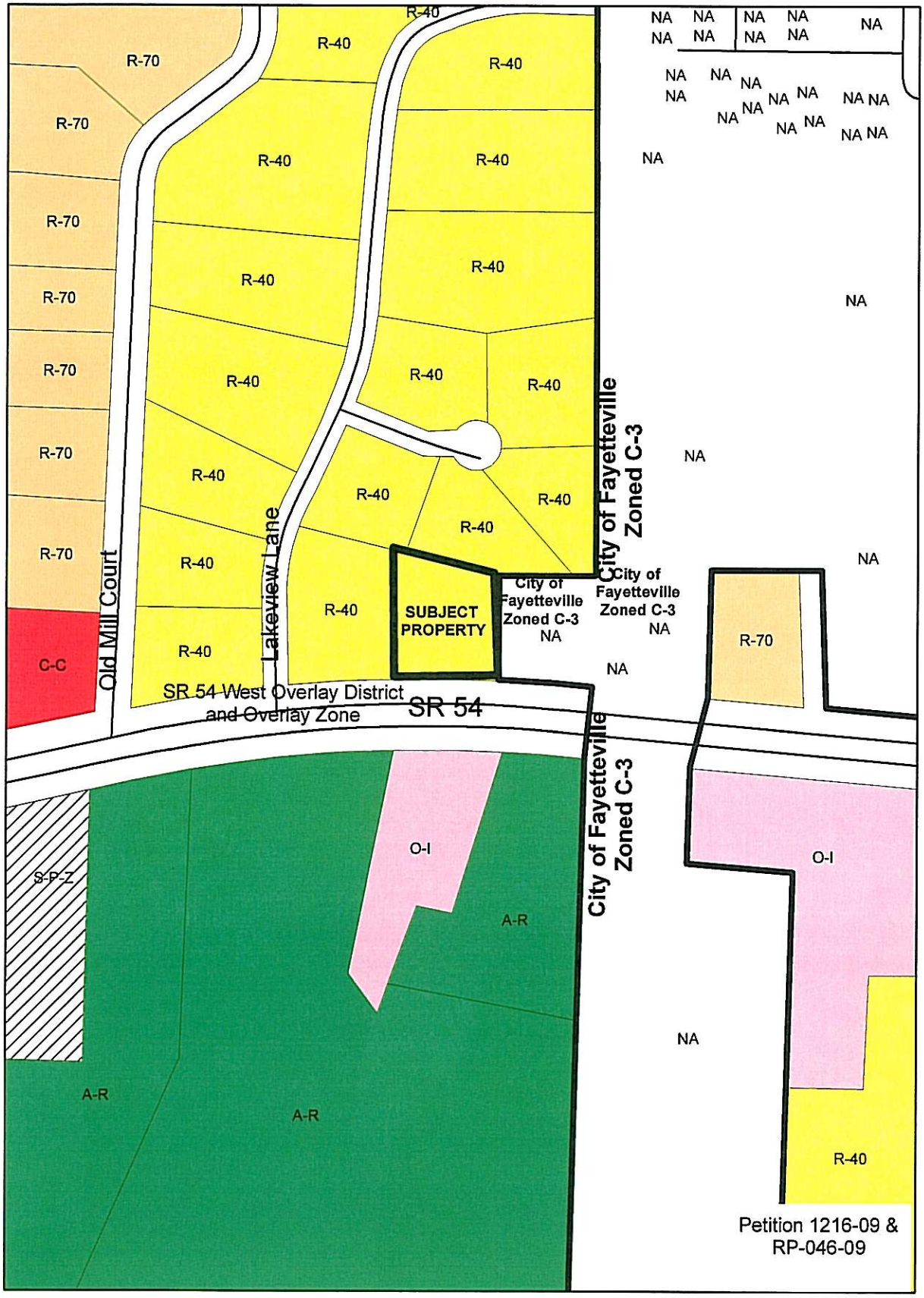
Not Applicable

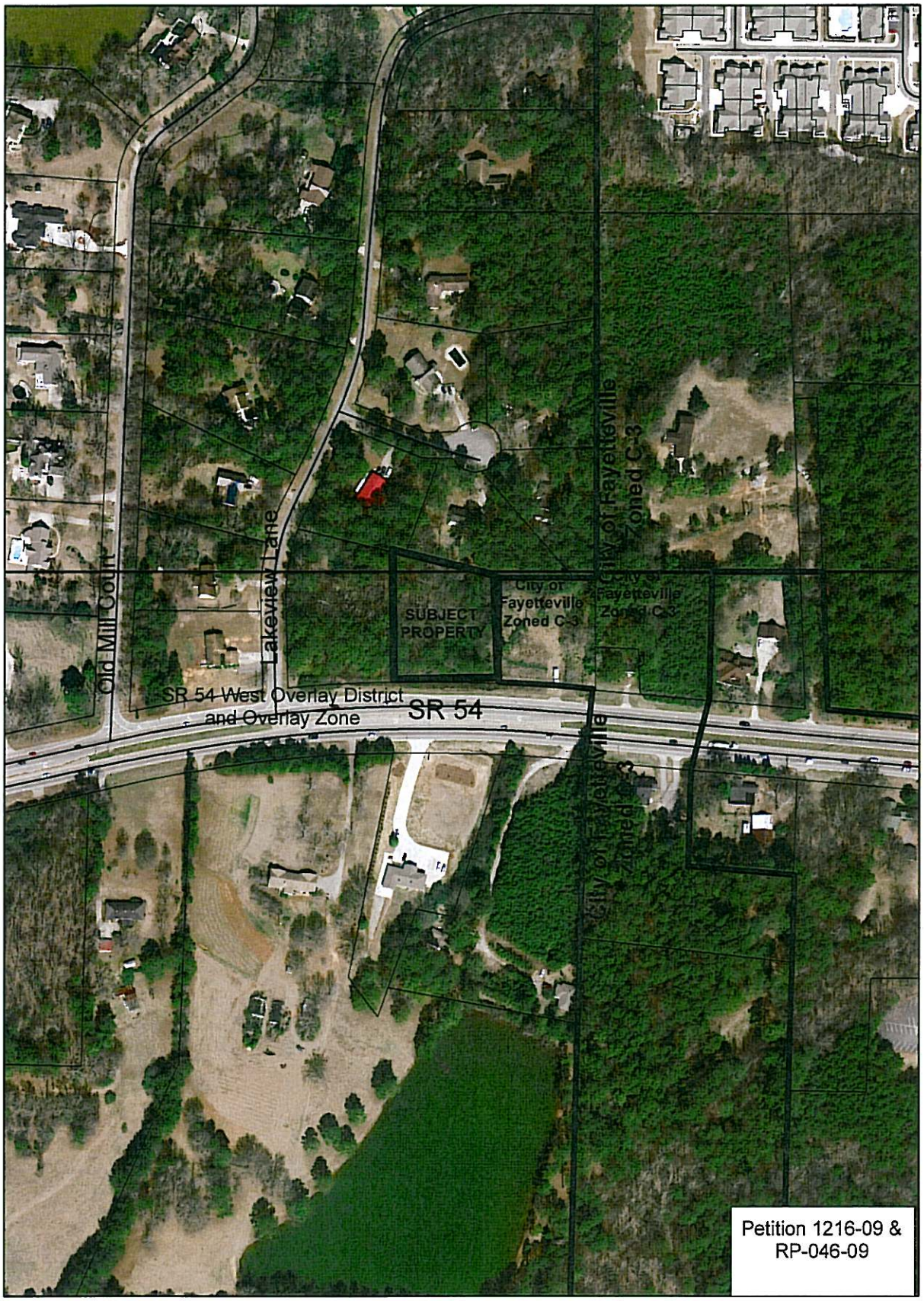
Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, October 25, 2007
Do you need audio-visual for the presentation?	Yes	Back-up Material Submitted?	Yes

STAFF USE ONLY

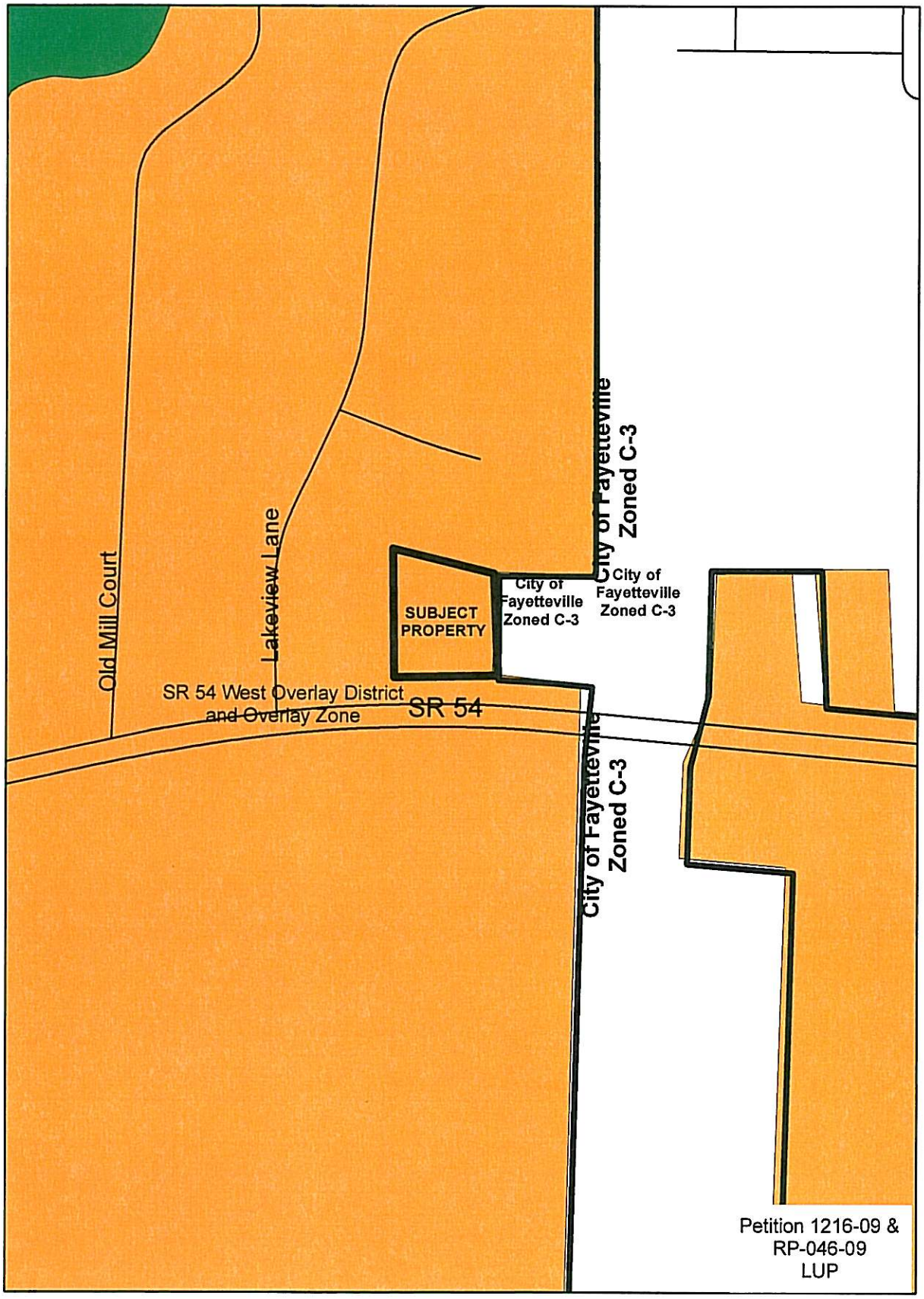
Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:


R-70
R-40
NA
C-C
Old Mill Court
Lakeview Lane
SUBJECT PROPERTY
City of Fayetteville Zoned C-3
SR 54 West Overlay District and Overlay Zone
SR 54
S-P-Z
O-I
A-R
Petition 1216-09 &
RP-046-09

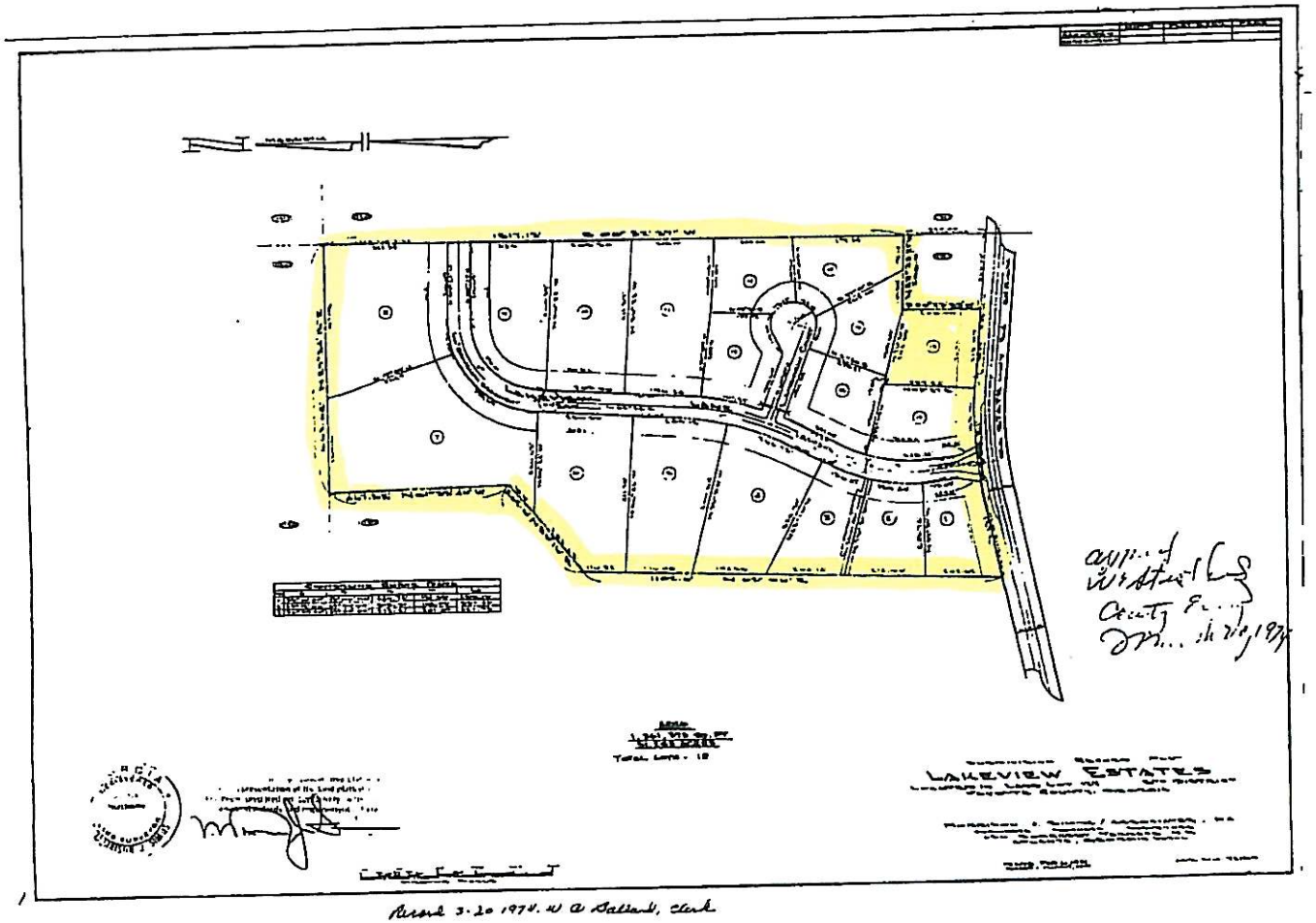


Petition 1216-09 & RP-046-09


Old Mill Court
Lakeview Lane
SUBJECT PROPERTY
City of Fayetteville Zoned C-3
City of Fayetteville Zoned C-3
City of Fayetteville Zoned C-3
SR 54 West Overlay District and Overlay Zone
SR 54
City of Fayetteville Zoned C-3
Petition 1216-09 & RP-046-09 LUP

LAND USE

- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres, 5 Acre Min.)
- RURAL RESIDENTIAL (1 Unit/2 to 3 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 to 2 Acres)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/1 Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/1 Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/1 Acre)
- MOBILE HOME PARK
- OFFICE
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTIONAL
- CONSERVATION AREAS
- PARKS AND RECREATION
- TRANS., UTIL., & COMMUNICATIONS



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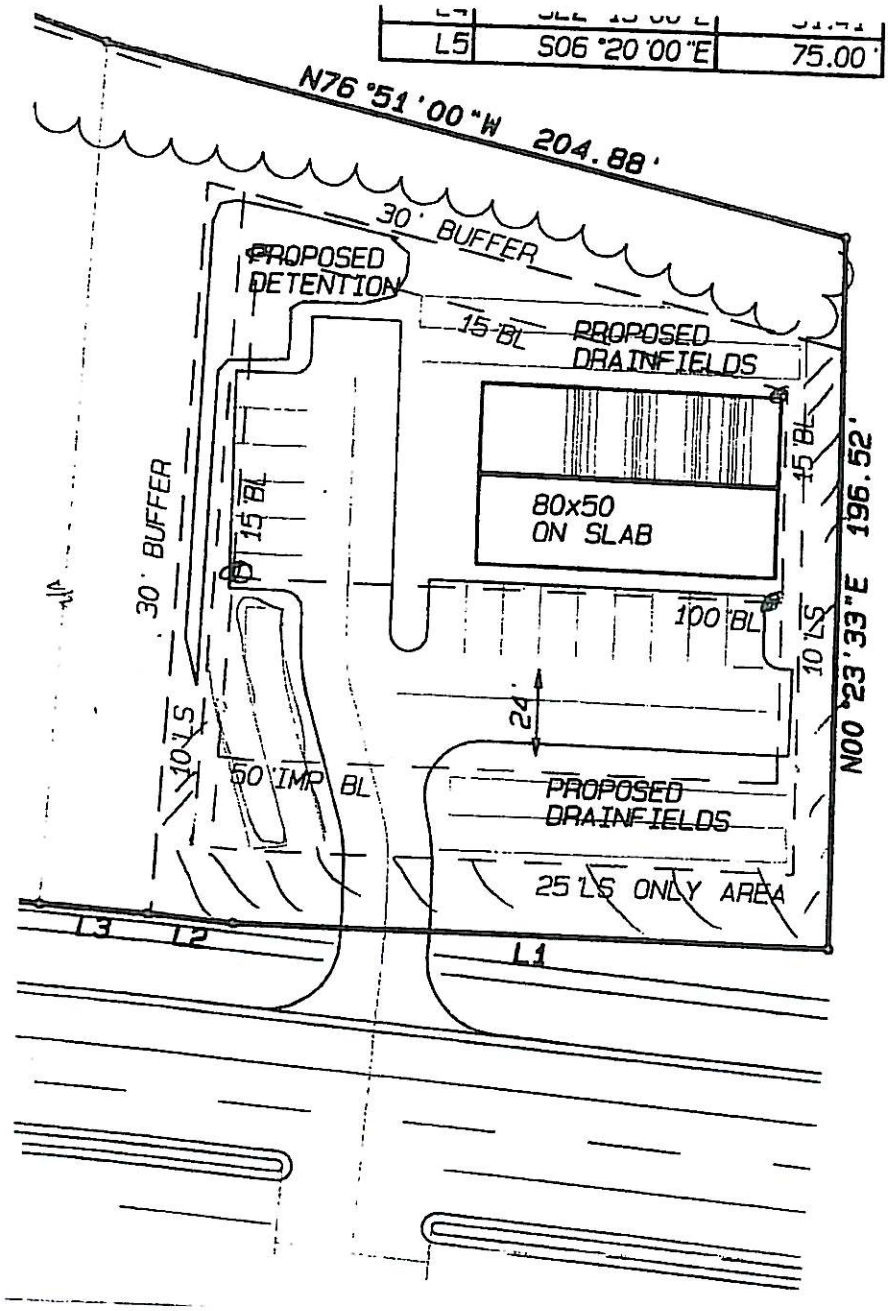

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: November 10, 2009

Subject: Board of Commissioners Public Hearing, December 10, 2009

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the rezoning applications and the revised final plat application scheduled for public hearing on December 10, 2009.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1216-09 and RP-046-09	SR 54 West/ Rezone 1.03 acres consisting of Lot 18 of Lakeview Estates S/D from R-40 to O-I and to change the use from single-family residential to office-institutional uses	**APPROVE WITH THREE (3) RECOMMENDED CONDITIONS**	**NO RECOMMENDATION 2-2 AND DENY 3-1**
2-1	1218-09	SR. 74 South/ Rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses	**APPROVE WITH TWO (2) RECOMMENDED CONDITIONS**	**APPROVE WITH TWO (2) RECOMMENDED CONDITIONS 4-0**
And				
	1219-09	SR 74 South/ Rezone 5.37 acres from O-I, A-R, and C-C to O-I to Develop Office Uses	**APPROVE WITH ONE (1) RECOMMENDED CONDITION**	**APPROVE WITH ONE (1) RECOMMENDED CONDITION**

REQUESTED ACTION/PROPOSED USE: Request to rezone 1.03 acres from R-40 (Single-Family Residential) to O-I (Office-Institutional) and a Revision to a Recorded Plat of Lakeview Estates Subdivision to change the principal use on Lot 18 consisting of 1.03 acres from Single-Family Residential to Office Uses

EXISTING USE: Vacant

LOCATION: SR 54 West

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 127

OWNER: John Alan Bell

APPLICANT: John Alan Bell

PLANNING COMMISSION PUBLIC HEARING: October 1, 2009

BOARD OF COMMISSIONERS PUBLIC HEARING: October 22, 2009

APPLICANT'S INTENT

Applicant proposes to rezone 1.03 acres from R-40 to O-I and a Revision to a Recorded Plat of Lakeview Estates Subdivision to change the principal use on Lot 18 consisting of 1.03 acres from Single-Family Residential to Office-Institutional.

STAFF RECOMMENDATION

APPROVE WITH THREE (3) RECOMMENDED CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is being considered for rezoning and a revision to a recorded plat for a change of use for Lot 18 of the Final Plat for Lakeview Estates Subdivision. Lot 18 is a 1.03 acre tract fronting on SR 54 West and is located in Land Lot(s) 127 of the 5th District. SR 54 West is classified as a Major Arterial on the Fayette County Thoroughfare Plan. Lot 18 is undeveloped and is currently zoned R-40. The applicant is requesting to rezone Lot 18 from R-40 to O-I and a revision to a recorded plat for Lakeview Estates Subdivision to change the principal use of said lot from single-family residential to office-institutional uses.

History:

On March 9, 1973, the Fayette County Board of Commissioners approved Petition No. 254-73 to rezone 31.25 acres from A-R to R-40. The Final Plat of Lakeview Estates Subdivision appears to have been recorded in 1974, consisting of 19 single-family dwelling lots. Two (2) rezoning requests (Petition 1183-06 and Petition 1201-07) have been sought on the subject property (see below).

Revision to a Recorded Plat

Effective October 26, 1995, the Fayette County Subdivision Regulations, Section 4-2.7 Revision to a Recorded Plat, public hearing approval from the Board of Commissioners is required prior to any substantial changes to a recorded final plat. Section 4-2.7 specifically states that ... "proposed revisions to any existing residential or agricultural-residential subdivisions which add property to, increase the number of platted lots, or change the principal use on a lot within a residential subdivision shall be considered in public hearings before the Planning Commission and the Board of Commissioners."

Previous Rezoning Applications within Recorded Residential Subdivisions along the SR 54 West Corridor since the Adoption of the SR 54 West Overlay in 1995

On September 25, 1997, the Board of Commissioners approved Petition No. 963-97 to rezone Lot 1 and Lot 2 of Burch's Deep Forest Subdivision, containing a single-family dwelling, located at the intersection of SR 54 West and Hickory Avenue, from R-20 (Single-Family Residential) to O-I (Office-Institutional). The following conditions were placed on the property:

1. That a six (6) foot high fence or wall to create a 100 percent visual screen be placed along the interior of the required 30 foot buffer along the southern boundary of the subject property. The fence or wall shall be limited to: wood, brick, concrete, or

concrete block covered with an architectural treatment. This fence or wall would be in addition to buffer planting required in Section 5-23 of the Fayette County Zoning Ordinance.

2. That the subject property, consisting of two (2) one-half acre tracts, be joined to fulfill the one (1) acre minimum of the O-I Zoning District. A Final Plat joining the two (2) one-half acre tracts must be submitted, approved, and recorded prior to Site Plan approval and issuance of a zoning compliance for office uses.

3. That the curb cut onto Hickory Avenue be closed.

On December 10, 1998, the Board of Commissioners denied Petition No. 994-98 to rezone Lot 1 of Lakeview Estates Subdivision, located at the intersection of Lakeview Lane, Old Mill Drive, and SR 54 West, from R-40 (Single-Family Residential) to O-I (Office-Institutional). On August 15, 2001, the owner filed a law suit against the Board of Commissioners in the Superior Court of Fayette County, Civil Action File No.: 99-V-0026(C). The Superior Court upheld the Board of Commissioners denial of the rezoning petition.

On October 5, 2006, the P.C. recommended denial of a request to rezone Lot 17 and Lot 18 of Lakeview Estates Subdivision consisting of 2.17 acres from R-40 (Single-Family Residential) to O-I (Office-Institutional) (1183-06) and a Revision to a Recorded Plat for Lakeview Estates Subdivision to change the principal use of Lot 17 and Lot 18 from Single-Family Residential to Office Uses (RP-039-06). Lot 17 is located at the intersection of SR 54 West and Lakeview Lane and Lot 18 is located on SR 54 West only. On October 19, 2006, prior to the B.O.C. Public Hearing, the applicant withdrew both petitions.

On October 25, 2007, the Fayette County Board of Commissioners denied Petition No. 1201-07 to rezone Lot 18 of Lakeview Estates Subdivision consisting of 1.03 acres from R-40 (Single-Family Residential) to O-I (Office-Institutional) (1201-07) and a Revision to a Recorded Plat for Lakeview Estates Subdivision to change the principal use of Lot 18 from Single-Family Residential to Office Uses (RP-039-06). Lot 18 is located on SR 54 West only.

On June 25, 2009, the Fayette County Board of Commissioners approved Petition No. 1215-09 to rezone Lots 1 thru 4 of Ledgewood Subdivision consisting of 3.74 acres from R-40 (Single-Family Residential) to O-I (Office-Institutional) and a Revision to a Recorded Plat for Ledgewood Subdivision to change of the principal use of Lots 1 thru 4 from Single-Family Residential to Office Uses (RP-046-09). Lots 1 thru 4 will be combined into one (1) lot.

B. SURROUNDING ZONING AND USES

The general situation is a 1.03 acre tract that is zoned R-40. In the vicinity of the subject property is land which is zoned O-I, R-40, A-R, and C-3 in the City of Fayetteville. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	Lot 16 and Lot 15 of Lakeview Estates	R-40	Single-Family Dwellings	Low Density Residential (1 unit/1 to 2 acres)
South (across SR 54 West)	2.30 acres	O-I	Office	Low Density Residential (1 unit/1 to 2 acres)
	12.20 acres	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
	2.9 acres	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
East	.90 acres	C-3 (City of Fayetteville)	Vacant	No comments returned
West (across Lakeview Lane)	Lot 1 and Lot 2 of Lakeview Estates	R-40	Single-family Dwellings	Low Density Residential (1 unit/1 to 2 acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 unit/1 to 2 acres) and the SR 54 West Overlay District. The intent of the SR 54 West Overlay District is to give consideration for O-I zoning to those existing tracts (five acres +/-) fronting SR 54 West. Lot 18, while technically a part of Lakeview Estates Subdivision, does not front on the interior street of the subdivision and only fronts on SR 54 West. Due to this, the request meets the intent of the SR 54 West Overlay District.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone 1.03 acres from R-40 to O-I for the purpose of developing an office building.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-40 (existing zoning district)	F - 60' Arterial F - 60' Collector F - 40' Local S - 15' R – 30'	1 Acre* 1.5 Acres **	1,500 sq ft	150' Arterial 150' Collector 125' Minor	N/A
O-1 (proposed zoning district)	F - 100' Arterial F - 70' Collector F - 55' Minor S - 15' Side R - 15' Rear	1 Acre*** .50 Acre****	N/A	125'	If rear/side yard abuts a residential or A-R zoning district, a 30 foot buffer adjacent to the lot line is required

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

*** A minimum lot size of one (1) acre where a central sanitary sewage or central water distribution systems are provided.

**** One and one-half (1.50) acres where neither a central sanitary sewage nor a central water distribution system is provided.

State Route Overlay

Due to the frontage on State Route 54 West, development of the property is subject to the requirements of the State Route 54 West Overlay Zone. The Overlay Zone requirements are in addition to the zoning district requirements and any Conditional Use requirements, and in cases where there is a conflict between requirements, the most restrictive regulation applies. Overlay Zone requirements including, but not limited to, the following: a 100 foot setback from the right-of-way of SR 54 West, a 50 foot setback for impervious surfaces from right-of-way of SR 54 West, and architectural standards for buildings which require a residential character including a pitched peaked roof, a residential façade, and doors and windows of a residential character.

Platting

Should this request be approved, the applicant is reminded that prior to the submittal of the Site Plan and/or building permits issued, a Revised Final Plat for lot 18 of Lakeview Estates Subdivision must be submitted to the Planning & Zoning Department, approved by all applicable county departments, and recorded in the Clerk of Superior Court records. This revision is to ensure that the change in zoning and applicable buffers and setbacks be indicated on the Final Plat and recorded into the public record.

Right-of-Way Requirements

SR 54 West is classified as a Major Arterial road (major thoroughfare) on the Fayette County Thoroughfare Plan. This being a State Route, any dedication will be the responsibility of the Georgia Department of Transportation (GDOT) to secure from the property owner and must be indicated on the revised Final Plat or Site Plan, as applicable.

Access

The Concept Plan submitted indicates one (1) access from SR54 West.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including, but not limited to: Section 5-18. Screening Required and Section 5-19. Screening Standards of the Fayette County Zoning Ordinance and Section 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

Proposed Rezoning #1216-09			
Table 1: ITE Trip Generation General Office Building (710)			
	Weekday	Sat	Sun
Trip Gen, Rate per 1,000 sf of Gross Floor Area	11.01	2.37	0.98
Gross Floor Area (1,000's)	4.0 (k) sf	4.0 (k) sf	4.0 (k) sf
24 hr Trip Ends	**44**	**10**	**4**

The curb cut onto State Hwy. 54 West will require permitting and approval through GDOT.

F. DEPARTMENTAL COMMENTS

Water System

Water is available.

Stormwater Management

Floodplain:

The property does not contain floodplain per FEMA Firm panel 13113C0103E.

Wetlands:

The property does not contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection:

Per the USGS Fayetteville Quadrangle, there are no water bodies subject to the County Watershed protection buffers and setbacks.

Groundwater Recharge Area:

The property is not within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Environmental Health Department

No comments regarding the rezoning application, change of the principal use, or revision to a recorded plat.

Fire and EMS

Fire Suppression and Fire Prevention:

This property is located within the current territorial boundaries of County Fire Station #4, located on Johnson Avenue, which would provide the initial first responding apparatus to any requests for assistance. Response time for suppression capability from Station #4 would be in the five (5) to eight (8) minute range. Water and fire hydrants exist along Highway 54.

Emergency Medical Services:

This property is located within the service delivery area of Medic #41 and Medic #42 located on Johnson Avenue. Response time for ambulance transport services is within the eight (8) minute accepted historical response criteria. The addition of this development will not materially impact EMS service delivery capability or current capacity.

Emergency Management Agency:

This property is not within the 100 year floodplain other than as noted at the rear of potential building lots, and as proposed, indicates no potential problems. As with any other development, there is always the potential for man-made or natural disasters that would impact emergency management.

Georgia Department of Transportation

A drive which meets the department's commercial guidelines may be allowed. A westbound right turn lane will be required. Roadway markings should be adjusted in the eastbound left turn lane.

Public Works

This property fronts on SR 54 West; therefore, curb cut requests will require GDOT approval. Rezoning from R-40 to O-I should have no significant impact to the County's transportation plan and/or network.

Board of Education

No comments returned.

City of Fayetteville

No comments returned as of July 28, 2009.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-40 to O-I for the purpose of developing office institutional uses. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 unit/1 to 2 acres) and the SR 54 West Overlay District. The intent of the SR 54 West Overlay District is to give consideration for O-I zoning to those existing tracts (five acres +/-) fronting SR 54 West. Lot 18, while technically a part of Lakeview Estates Subdivision, does not front on the interior street of the subdivision and only fronts of SR 54 West. Due to this, the request meets the intent of the SR 54 West Overlay District.

2. The subject property lies adjacent to property to the east in the City of Fayetteville zoned C-3 and the rezoning will not adversely affect the existing use or usability of this property. To mitigate any potential impact on the existing use or usability of lots to the north and west in Lakeview Estates Subdivision, Staff is recommending: 1) that the existing vegetation within the 30 foot buffer along the western and northern property lines remain undisturbed; and 2) that a six (6) foot fence or wall, to create a 100 percent visual screen, be placed along the western and northern property line of the subject property adjacent to lots 15, 16, and17. The fence or wall shall be limited to wood, brick, concrete, or concrete block covered with an architectural treatment and shall be set back a minimum of one (1) foot from the property line of the subject property. The developer of this property shall confer with County staff to minimize the removal of vegetation in relation to the construction of the fence or wall.

3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

4. Existing conditions and the area's continuing development as a single-family residential district and an office/institutional district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH THREE (3) RECOMMENDED CONDITIONS.**

RECOMMENDED CONDITIONS

If these petitions are approved by the Board of Commissioners, they should be approved **O-I CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That the existing vegetation within the 30 foot buffer shall remain undisturbed. *(This condition is to mitigate any potential impact on the existing use or usability of lots to the west and north in Lakeview Estates Subdivision.)*

2. That a minimum six (6) foot solid fence or solid wall to create a 100 percent visual screen, be placed along the western and northern boundary of the subject property adjacent to lots 15, 16, and 17 of Lakeview Estates Subdivision. The fence or wall shall be limited to wood, brick, concrete, or concrete block covered with an architectural treatment and shall be a minimum one (1) foot from the property line of the subject property. The developer of this property shall confer with County staff to minimize the removal of vegetation in relation to the construction of the fence or wall. The fence or wall shall be constructed in conjunction with the construction of the main structure. *(This condition is to mitigate any potential impact on the existing use or usability of lots to the west and to the north in Lakeview Estates Subdivision.)*

3. Prior to the submittal of the Site Plan and/or issuance of any building permits, a Revised Final Plat for lot 18 must be submitted to the Planning & Zoning Department, approved by all applicable county departments, and recorded in the Clerk of Superior Court records. *(This condition is to ensure that the change in zoning and applicable buffers and setbacks be indicated on the revised Final Plat and recorded into the public record.)*

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1216-09 and RP-046-09

APPLICANT: John Alan Bell
150 St. Gabriel Way
Fayetteville, GA 30215

STAFF RECOMMENDATION: **APPROVE WITH THREE (3) RECOMMENDED CONDITIONS**

COMMISSION HEARING: November 5, 2009

PLANNING COMMISSION RECOMMENDATION:
1216-09 - NO RECOMMENDATION 2-2
RP-046-09 – DENY 3-1

COMMISSION HEARING: December 10, 2009

COMMISSION DECISION: _____

REQUEST: Request to rezone 1.03 acres from R-40 (Single-Family Residential) to O-I (Office-Institutional) and a Revision to a Recorded Plat for Lakeview Estates Subdivision to change the principal use of lot 18 from Single-Family Residential to Office Uses.

PARCEL SIZE: 1.03 acres

EXISTING USE: Vacant

PROPOSED USE: Office Uses

LOCATION: Land Lot 127 of the 5th District and fronts on SR 54 West

ZONING OF SURROUNDING PROPERTY: R-40, O-I, A-R, and City of Fayetteville (C-3)

LAND USE PATTERN: Low Density Residential (1 unit/1 to 2 acres) and SR 54 West Overlay District

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Jim Graw made a motion to deny the rezoning petition (1216-09). Vice-Chairman Thoms seconded the motion. The vote was 2-2 with Al Gilbert and Bill Beckwith voting in opposition. Chairman Powell was absent. Due to the lack of three (3) affirmative votes, no recommendation resulted.

Jim Graw made a motion to deny the revised final plat application (RP-046-09). Vice-Chairman Thoms seconded the motion. The motion for denial passed 3-1 with Al Gilbert voting in opposition. Chairman Powell was absent.

REASON(S) FOR RECOMMENDATION:

The motion of denial for Petition No. 1216-09 resulted in a 2-2 vote. Due to the lack of three (3) affirmative votes, no recommendation resulted.

Due to the lack of three (3) affirmative votes, no recommendation resulted on the rezoning petition; therefore, the Change of Use (RP-046-09) was denied.

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2009

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1216-09, the application of John Alan Bell to rezone from R-40 to O-I, be:

_____ Approved _____ Withdrawn ✓ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

DOUGLAS L. POWELL, CHAIRMAN

TIM THOMS, VICE-CHAIRMAN

JIM GRAW

BILL BECKWITH

AL GILBERT NO TO DENIAL

Remarks:

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2009

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-046-09, the application of John Alan Bell to revise the Final Plat of Lakeview Estates Subdivision by changing the use on Lot 18 from single-family residential to office-institutional, be:

_____ Approved _____ Withdrawn 7-2 ✓ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

_____
DOUGLAS L. POWELL, CHAIRMAN

_____
TIM THOMS, VICE-CHAIRMAN

_____
JIM GRAW

_____
BILL BECKWITH

_____
AL GILBERT

Remarks:

_____

_____

_____

_____

3. **Consideration of Petition No. 1216-09 and Petition No. RP-046-09, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates consisting of 1.03 acres from R-40 to O-I to develop Office Institutional Uses and request to Change the Use of Lot 18 from single-family residential to office-institutional. This property is located in Land Lot 127 of the 5th District and fronts on SR 54 West.** *Staff recommended approval subject to three (3) recommended conditions.*

Vice-Chairman Thoms asked Mr. Bell if he would like to table or proceed forward and Mr. Bell replied he would like to proceed forward tonight.

Alan Bell said he was asking for Lot 18 of Lakeview Estates to be rezoned to O-I which is the highest and best use. He stated he had Staff's recommendation of approval which he had also had in the past. He commented the BOC had requested a consistent plan be put in place; however, the BOC did not adopt Staff's recommendation. He remarked that almost immediately following this decision, lots 1-4 of Ledgewood Subdivision, platted lots in a residential subdivision, were rezoned to O-I. He noted the vote by the BOC was 3-0-1. He said if consistency was what the BOC was asking for, he is requesting the same. He remarked a lot in a residential platted subdivision was platted in 1997. In comparison, he said the lots in Ledgewood were platted lots in a residential subdivision with road frontage on SR 54 West only and so is lot 18. He noted the Ledgewood lots were within one-quarter of a mile from lot 18. He said lots in platted residential subdivisions have been rezoned to O-I from both directions from lot 18. He stated the lots in Ledgewood and lot 18 are both designated as low density residential on the Land Use Plan. He asked to be treated fairly, equally, and consistently.

Vice-Chairman Thoms asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition.

The following people spoke in opposition.

Tommy Long of 145 Lakeview Lane stated he had reviewed the Fayette County Comprehensive Plan and he was presently surprised to see how many times "protecting existing residential areas" was addressed. He said the goals state: Land use should be consistent with the County's Land Use Plan protecting an orderly mix of residential, commercial/industrial facilities, and open spaces without compromising the existing residential development. He said the Land Use Element section states: Growth and development should be consistent with the County's Land Use Plan and protect a mix of residential, commercial, and/or industrial facilities, and open space without compromise for existing residential development. He commented the Land Use Pattern states: It is a policy of the Fayette County Board of Commissioners that the County's residential neighborhoods are the cornerstone of the community, as such, every effort must be made to ensure that these neighborhoods are protected

from the negative aspects of growth and development. He pointed out the Objectivity states: The County's land use pattern protects, enhances, and/or maintains stability in established residential neighborhoods. He noted Policy A states: Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use. He added Policy B states: Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas. He said a lot of emphasis was placed on the SR 54 West Overlay District. He noted the goals of the SR 54 West Overlay District was to maintain the efficient traffic flow of SR 54 West as the County's only major east-west thoroughfare; to maintain a non-urban separation between Fayetteville and Peachtree City; and to protect existing and future residential areas in the SR 54 West corridor. He remarked the recommendation for the SR 54 West Overlay District is to offer existing tracts of 5 +/- acres the option to convert to office uses. He pointed out 1.03 acres does not meet the intent of 5 +/- acres. He noted the Ledgewood lots were part of the Hospital Land Use Plan Area; however, the Lakeview lot is not. He asked the PC to consider these facts and deny the request.

Mrs. Stuart Barnes of 120 Lakeview Court stated she was against the rezoning completely. She said she had lived in Lakeview Subdivision for 32 years. She pointed out there was signalization for the houses at Ledgewood Subdivision; however, Lakeview Estates only has a deceleration lane from SR 54 with cars going faster than 55 mph. She stated a deceleration lane would be required for lot 18 by the DOT which would cut into the existing deceleration lane. She said there was no comparison to the lots 1-4 in Ledgewood and lot 18. She pointed out the adjacent lot to lot 18 was in the city limits of Fayetteville, owned by a real estate agent, and currently for sale. She noted if lot 18 was rezoned commercial taxes would have to be paid. She explained the reason the two (2) lots in Burch's Deep Forest Subdivision were rezoned is because they were required to be combined into one (1) lot and already had a curb cut onto SR 54 West. She asked the PC to vote against the rezoning petition.

In rebuttal, Mr. Bell stated if the people would have been at the meeting regarding the proposal by Staff then they would know this had already been discussed about how they entered from the highway. He said there is not signalization for lots 1-4. He confirmed he had a DOT curb cut and the ordinance requires 200 feet from a street before you can have a curb cut which he has. He reported lot 18 had been up for sale for quite some time as residential and there are about 20 years of residential lots available right now. He requested approval of the highest and best use for his property. He reiterated Staff has recommended approval. He said he did not want to be treated differently. He stated he grew up in Fayette County and had lived here all his life and he appreciated the County. He said what is fair is fair. He commented the County did not want to set a precedent but had approved O-I one-quarter mile away. He remarked denial of the rezoning petition would not be treating him fairly. He stated he was a Fayette County citizen and wanted to be treated fairly. He requested to be treated fairly.

Al Gilbert read the recommended conditions to the audience.

Vice-Chairman Thoms asked Mr. Bell if he agreed to the recommended conditions.

Mr. Bell said he agreed to the recommended conditions and added Mrs. Barnes property abuts commercially zoned property currently. He presented a signed petition of those in favor of the rezoning petition.

Hearing no further comments, Vice-Chairman Thoms closed the floor from public comments. He advised the PC had copies of letters and a signed petition in opposition to the rezoning application.

Jim Graw asked what was the land use designation of the lots in Ledgewood Subdivision at the time they were rezoned?

Pete Frisina replied Low Density Residential and the SR 54 West Overlay Zone.

Vice-Chairman Thoms asked the acreage of the four (4) lots combined in Ledgewood Subdivision.

Mr. Frisina replied 3.74 acres.

Vice-Chairman Thoms said it was not the intention to rezone a one (1) acre lot.

Mr. Graw stated he did not support the rezoning petitions in the past and he did not see any changes to convince him to support the rezoning petition.

Jim Graw made a motion to deny the rezoning petition. Vice-Chairman Thoms seconded the motion.

Al Gilbert said if he lived in the subdivision he would be opposing the request; however, the adjacent lot is zoned nonresidential and will affect what happens to lot 18 in the future. He stated the Ledgewood lots and lot 18 are very similar. He commented a precedent had been set. He remarked the proposed plan was not totally acceptable to the BOC.

Hearing no further comments, Vice-Chairman Thoms called for the vote.

The vote was 2-2 with Al Gilbert and Bill Beckwith voting in opposition. Chairman Powell was absent. Due to the lack of three (3) affirmative votes, no recommendation resulted.

Mr. Gilbert asked if a motion was needed for RP-046-09.

Mr. Frisina replied a motion could be made for the record.

Jim Graw made a motion to deny the revised final plat application. Vice-Chairman Thoms seconded the motion. The motion for denial passed 3-1 with Al Gilbert voting in opposition. Chairman Powell was absent.

2007 Denial

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, October 25, 2007, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

COMMISSIONER ABSENT: Herb Frady, Vice Chairman

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator
Don Comer, Interim County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk
Floyd Jones, Deputy Clerk

PETITION NO. 1201-07 AND RP-040-07:
Director of Community Development Pete Frisina read Petition No. 1201-07, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates Subdivision consisting of 1.03 acres from R-40 to O-I to develop office-institutional uses. Consideration of Petition No. RP-040-07, John Alan Bell, Owner/Agent, request to revise the Final Plat of Lakeview Estates Subdivision to change the use of said lot from Single-Family Residential to Office Uses. He said the property was located in Land Lot 127 of the 5th District and fronted on S.R. 54 West. He said Staff recommended approval of Petition No. 1201-07 and Petition No. RP-040-07. He remarked that the Planning Commission recommended denial of Petition No. 1201-07; however, no action was taken on Petition No. RP-040-07 since the rezoning application was denied.

John Alan Bell said he was the applicant in this petition and had been a resident of Fayette County for the last 35 years. He said he was the owner of Lot 18 of Lakeview Estates Subdivision located totally on S.R. 54. He asked for the Board's consideration for O-I zoning on this lot. He felt this property was best suited for O-I purposes for the following reasons: (1) He questioned when was the last time a home was built on S.R. 54. He said he had tried to determine that information but all of the records from the 1980's and earlier were lost when the court house burned. He remarked that the houses currently located on S.R. 54 were close to thirty years old. He said a lot had changed in the last thirty years. He said S.R. 54 had gone from mostly residential to mostly business. He said homes were being torn down or converted to offices throughout this area. He said Lot 18 would be no place to raise a family and was located on a major thoroughfare. He said he could not imagine children playing on this lot right next to busy S.R. 54. He said when Lakeview Estates was first subdivided in the early 1970's, S.R. 54 was a very different place. He said it was a two lane road, Peachtree City was in its infancy and there was no hospital. He said this lot was located in the overlay district and met the intent of the zoning. He said if he were to build a residential home on this lot, the highway would devalue his property. He said if Lot 18 was zoned O-I, it would be a great buffer from C-3 zoning directly next to it. He said it would give people a place to work and would be more tax money for Fayette County. He said this lot had to access from S.R. 54. He said he already had a letter of approval from the Georgia Department of Transportation for an O-I cut. He said there were no restrictive covenants on Lakeview Estates. He said these were just some of the reasons he felt this property was best suited for O-I.

Mr. Bell further remarked that some of the residents of Lakeview Estates did not want him to get the O-I zoning. He said they felt it would interfere with the integrity of the subdivision. He said the only way a person could tell if Lot 18 was included in this subdivision was on paper. He said it was located 200 feet from the entrance. He remarked that he also owned Lot 17 in Lakeview Estates which was adjacent to Lot 18. He said some of the neighbors were concerned that if Lot 18 was approved for O-I, then there would be a domino affect from there. He said he would be willing to zone Lot 18 for O-I with restrictions which would include that Lot 17 remain a residential lot. He said he was aware of the fact that this could be done and he had purchased property in Fayette County that had zoning with restrictions. He said another concern that the neighbors have was that they did not want the final plat of Lakeview Estates to be changed. He remarked that this plat had already been changed once. He said the final plat for Lakeview Estates was first recorded in March of 1974 and was changed in April of 1975 when an extra lot was added. He said this extra lot was Lot 9-A. He said the only way to tell if this lot was included in the Lakeview Estates Subdivision was on paper. He asked how this could affect the integrity of the neighborhood. He said he hoped the restrictions that he would like placed on this rezoning request would ease the surrounding residents' concerns. He said he would like to add that staff had recommended approval of this rezoning request. He presented a copy of the Planning Staff's recommendations to the Board. A copy of the recommendations, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Mr. Bell further remarked that Lot 18, while technically a part of the Lakeview Estates Subdivision, did not front on the interior street of the subdivision and only fronted on S.R. 54 West. He said due to this fact, the request did meet the intent of the S.R. 54 West Overlay District. He said the proposed rezoning would not adversely affect the existing use or usability of adjacent or nearby property. He said the subject property was located adjacent to commercial zoning to the East in the City of Fayetteville. He said the O-I zoning district was composed of certain lands and structures having office and institutional uses which were compatible with or provide a transition into low intensity land uses. He said, therefore, the O-I zoning district would provide a transition between commercially zoned property to the East and residentially zoned property to the West. He said the proposed rezoning would not result in a burdensome use of roads, utilities or schools. He remarked that existing conditions in the areas continuing development as a single-family residential district and an office institutional district support this petition. He said the planning staff recommended approval. He said it was his opinion that O-I was clearly the best use of this land.

Chairman Smith asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition.

Tommy Long, 145 Lakeview Lane, Fayetteville presented a petition to the Board consisting of 46 signatures in opposition to this rezoning request. A copy of the petition, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. He said all of the people who signed this petition were residents of Lakeview Lane or the adjoining subdivision of Crystal Lake Estates. He said he purchased his lot in this subdivision and built his home with the assurance that he would be living in a residential area and noted that this was a residential subdivision. He said if the Board approved this rezoning request it would be setting a precedent. He said he had never heard of the County rezoning a lot out of a platted subdivision. He remarked that the intent of this petition did not meet the land use requirements and also it could be developed as a residential lot. He said since the property owner also owned the adjacent lot, there would be no problem in giving an easement for a driveway to this lot and build a home. He respectfully requested that the Board deny this petition.

Chairman Smith asked if anyone else wished to speak in opposition.

Mona MacDonald, 135 Lakeview Lane, Fayetteville appealed to the Board in strong opposition to the rezoning of Lot 18 which was currently R-40 to be rezoned O-I for the following reasons. She said her and her husband had

purchased their home to grow into their senior years in a residential platted subdivision and not a mixed use subdivision. She said they had selected this area because of its quiet, rustic and semi-forested location near all conveniences. She said if this rezoning was allowed, it would change the character and integrity of their neighborhood. She said it would also open the door for the beginning of creeping commercialism in the subdivision and the majority of the residents in the subdivision did not desire this. She said if this Board yielded to the request to rezone Lot 18, she questioned on what grounds would the Board deny the next request to rezone another lot which would be certain to come before this Board at some point in the future. She said the residents felt they would be forced into some kind of neighborhood that they did not expect when they purchased their property. She said she had done some research on subdivisions in Fayette County and determined that it would be most uncommon to turn a residential property in a platted subdivision into a commercial office park zoning. She said she also had safety concerns about increased traffic and congestion. She said this area was already highly congested with four turn offs within a few hundred feet of each other. She noted that at busy times of the day it was life threatening to drive out of Lakeview Lane across a double lane highway and turn left onto S.R. 54 East within a couple hundred feet of space. She said adding to the traffic problem, the speed limit was 55 miles per hour, however, many motorists were driving 60 and 65 miles per hour. She said she strongly felt that by increasing business traffic to this already congested area would increase the possibility of serious and possibly deadly automobile accidents. She felt by having two lots side by side presented a wonderful opportunity to build a residential home with a side entrance. She begged the Board to take the desires of the people who live in this subdivision into consideration over the business endeavors of someone who did not live in Lakeview Estates. She thanked the Board members for their consideration.

Chairman Smith asked if anyone else wished to speak in opposition.

Stuart Barnes, 120 Lakeview Court, Fayetteville said he felt by taking a lot out of a platted subdivision would be detrimental on the other residents of Lakeview Estates Subdivision as well as other subdivisions in Fayette County. He pointed out that the Fayette County Planning Commission had unanimously denied this request and he asked for the Board's consideration to deny it as well and protect this neighborhood.

Chairman Smith asked if anyone else wished to speak in opposition. Hearing none, he asked Mr. Bell if he had any rebuttal comments.

Mr. Bell remarked on the comment about doing an easement on the other lot. He said he already had a curb cut and it had one restriction. He said this was because it would be directly across from the median cut in S.R. 54. He said he owned two properties in Lakeview Estates. He said if Lot 18 was approved for rezoning then it would be with restrictions that Lot 17 would not have any change in zoning. He said this would protect the beginning of this neighborhood. He said this particular lot was located far to the side and was approximately 200 feet away from the subdivision.

Mr. Bell asked the Board to think about a situation where Lot 18 was already zoned O-I and he was before the Board asking for residential. He said he did not feel the Board would want him to build a house on this property if he was asking for residential. He said it just would not be safe for a family to live there. He said a lot of the houses currently located on S.R. 54 were being torn down or converted into offices in the entire corridor area. He said he would agree to this rezoning with restrictions. He said the best use of this property was clearly O-I zoning for the buffer and usability.

Chairman Smith declared the public hearing portion closed. He asked for the Board's pleasure in this matter.

A motion was made by Commissioner Pfeifer and seconded by Commissioner Horgan to deny Petition No. 1201-07 as presented, discussion followed.

Commissioner Pfeifer said he would like to note that the County had historically not changed zonings in a platted subdivision and he did not think this should start now.

Commissioner Horgan said he agreed. He said he would not be in favor of removing a lot from a platted residential subdivision for commercial use.

Commissioner Maxwell agreed and said he did not feel this was even a close case. He said the predominant area was low density residential with one unit to one to two acre lots and was a previously platted subdivision. He noted that there had been a prior lawsuit involving Lot 1 that this County had successfully defended. He said he saw no reason to change the current zoning. He said the proposed development would not be compatible with the surrounding area.

Chairman Smith called for the vote.

The motion carried 4-0. Commissioner Frady was absent. A copy of the Ordinance and Resolution denying Petition No. 1201-07, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Chairman Smith pointed out that the denial of Petition No. 1201-07 would preclude the Board from making a change to the platted subdivision as requested by the applicant. He said no vote would be necessary on Petition No. RP-040-07.

ELIZABETH J BARNES
120 LAKEVIEW CT.
FAYETTEVILLE, GA. 30214

JULY 21, 2009

FAYETTE COUNTY PLANNING COMMISSION
FAYETTE COUNTY BOARD OF COMMISSIONERS

RE: PETITION NO. 1216-09 AND RP-045-09

DEAR COMMISSIONERS:

WE ARE AGAINST THE REZONING PETITION.

THE INTENT OF THE SR 54 WEST OVERLAY DISTRICT IS TO GIVE CONSIDERATION FOR O-I ZONING TO THOSE EXISTING TRACTS (FIVE ACRES+/-) FRONTING SR 54 WEST. TRACTS MENTIONED ABOVE ISN'T LOT#18 BY MY JUDGEMENT. THE 1.03 ACRE+ STRETCHES WEST TO A 1 ACRE+ HOUSED R-40 LOT AND EAST TO A CITY 1 ACRE-, SOUTH SR 54 AND NORTH TO AN OCCUPIED R-40 1 ACRE+. NO COMPARISON BETWEEN LOT#18'S THREE LAND LOCKED BORDERS AND RECENTLY REZONED TO O-I LEDGEWOOD'S 3.74 FLOWING ACRES. NO COMPARISON BETWEEN LOT#18 AND BURCH'S DEEP FOREST LOTS 1 AND 2, ½ ACRE EACH, 12-10-98 REZONED TO O-I BECAUSE ALREADY HAD A CURB CUT ONTO SR 54. LOT#18'S CURB CUT ONTO SR 54 WILL CUT INTO THE LAKEVIEW ESTATES TURN LANE, ALSO DIRECTLY ACROSS FROM A DOUBLE U-TURN.

THE 12-14-06 SR 54 WEST HOSPITAL AREA STUDY'S MASTER PLAN INCLUDED THE LEDGEWOOD SUBDIVISION'S 4 LOTS, 3.74 ACRES, FRONTING SR 54 AND OWNED BY KENNETH LAZARUS OF SOUTHERN CRESCENT NEUROLOGICAL CLINIC, P.C.,DESIGNATED IT AS OFFICE. THE 12-14-06 SR 54 WEST HOSPITAL AREA STUDY'S MASTER PLAN DID NOT INCLUDE LAKEVIEW ESTATES SUBDIVISION'S LOT#18.

ON OCT. 25, 2007 THE BOARD VOTED NO, REZONING LOT#18 OF LAKEVIEW ESTATES R-40 TO 0-I.

A LOT#18 REZONING TO 0-I WILL ADVERSELY AFFECT THE PROPERTY VALUES OF LAKEVIEW ESTATES.

SINCERELY,

Elizabeth Barnes

JUL 23 2009

ELIZABETH J. BARNES
120 LAKEVIEW CT.
FAYETTEVILLE, GA. 30214

AUGUST 27, 2009

FAYETTE COUNTY PLANNING COMMISSION
FAYETTE COUNTY BOARD OF COMMISSIONERS

RE: PETITION NO. 1216-09 AND RP-045-09

DEAR COMMISSIONERS:

IN 2005 J. ALLEN BELL PURCHASED RESIDENTIAL, ZONED R-40, LOT#18 OF LAKEVIEW ESTATES AFTER THE WIDENING OF SR 54 WEST TO A DIVIDED FOUR LANE HIGHWAY. IN 1980 R. HOLT PURCHASED RESIDENTIAL, ZONED R-40, LOT#1 OF LAKEVIEW ESTATES BEFORE THE WIDENING OF SR 54 WEST TO A DIVIDED FOUR LANE HIGHWAY. 1998 R. HOLT REQUESTED LOT#1 REZONED TO O-I FROM R-40, BOARD DENIED. 2007 J. ALLEN BELL REQUESTED LOT#18 REZONED TO O-I FROM R-40, BOARD DENIED.

THE LAKEVIEW ESTATES TURN LANE ON SR 54 WEST, BORDERS LOT#18 AND LOT#17, IS DIRECTLY OFF LAKEVIEW LANE, ENTER THERE. THE CRYSTAL LAKE ESTATES TURN LANE ON SR 54 WEST, BORDERS LOT#1 OF LAKEVIEW ESTATES, IS DIRECTLY OFF OLD MILL CT., ENTER THERE. TO ACCESS THE LEDGEWOOD SUBDIVISION HOMES, RESIDENTS TURN FROM SR 54 WEST, TRAFFIC LIGHT, ONTO OLD NORTON RD., THEN ENTER NINA CELESTE LANE.

2009 THE GEORGIA DEPARTMENT OF TRANSPORTATION WILL REQUIRE A WEST BOUND RIGHT TURN LANE FOR A COMMERCIAL, O-I, LOT#18 OF LAKEVIEW ESTATES, IMPOSSIBLE, NOT ENOUGH SR 54 FRONTAGE. A NON-COMMERCIAL, R-40, DEVELOPED RESIDENTIAL LOT#18'S DRIVE ONTO SR 54 WILL NOT REQUIRE A WEST BOUND RIGHT TURN LANE.

LAKEVIEW ESTATES LOT#18 IS 1.03 ACRES, THE WIDENING OF SR 54 WEST DID NOT IMPACT THIS LOT BY REDUCING THE LOT AREA BELOW THE MINIMUM ONE (1) ACRE REQUIREMENT OF THE R-40 ZONING DISTRICT. LEDGEWOOD ESTATES HAD SOME OF THE FOUR LOTS FRONTING SR 54 WEST WHEN WIDENED, IMPACTED BY REDUCING THE LOT AREA BELOW THE MINIMUM ONE (1) ACRE REQUIREMENT OF THE R-40 ZONING DISTRICT.

LOT#18'S USAGE , YRS. AND YRS., HAS BEEN RESIDENTIAL R-40, BACKYARD AND BUFFER. LOT#18'S ACCESS WAS THROUGH LOT#17 OFF LAKEVIEW LANE. BOTH LOTS SHOULD HAVE BEEN COMBINED INTO ONE R-40 LOT.

SINCERELY,

Elizabeth Barnes

Robyn Wilson

From: Carleton L. Williams [carletonlwilliams@hotmail.com]

Sent: Saturday, August 29, 2009 9:26 AM

To: Jack Smith; Herb Frady; Robert Horgan; Eric Maxwell; Lee Hearn

Cc: Robyn Wilson; Robyn Wilson; Steve and Diane Old Mill Ct. Truscot; Diane Truscott; Diana Salas; andylewisjr@aol.com

Subject: We are still opposed to the Rezoning Lot #18 Lakeview Estates /////Petetion No. 1216-09 and RP-045-09

Dear Mr. Commissioners,

The Lakeview Estate neighbors who knew the previous owner, Steve Owensby, when he lived here understood the reason he bought the extra lot #18 in the first place, (the opposite of his son-in-law's petition). He bought it because he was opposed to a commercial establishment or anyone moving in too close to him.

The postponement of the first hearing in August was an inconvenience to us, as we showed up, without noticification of the change of date from the county.

Please remember and understand we are still opposed to the rezoning. The rezoning of this lot would degrade the integrity of our elite neighborhood. It was denied the last time it came before you.

Thank you very much.

Carleton and Shawnee Williams
120 Lakeview Lane
Fayetteville, Ga 30214
770/461-1880
CC: Lakeview Estate Neighbors
Old Mill Court neighbors
Fayette County Planning and Zoning
Fayette County Board of Commissioners

Get back to school stuff for them and cashback for you. Try Bing now.

July 30, 2009

To: THE FAYETTE COUNTY PLANNING COMMISSIONERS
AND
THE FAYETTE COUNTY BOARD OF COMMISSIONERS

From: Residents of Lakeview Estates and Crystal Lake Estates

Subject: **Objection** to rezoning request *Petition No. 1216-09 and RP-045-09.*

Attached is a signed petition, AGAINST, containing 45 signatures.
All of the signatures are from residences of Crystal Lake Estates and Lakeview Estates.

This is the third attempt to rezone this lot from R40 to O-I. In the past two attempts, in 2006 and 2007, there were ***not any votes cast by the P.C. or the B.C. in favor*** of the rezoning.

The voting record of the Planning Commission and the Board of Commissioners is 12-0-2 for ***denial***.

The following comments are from the Planning Commissioners and the Board of Commissioners, that were made in the prior two zoning meetings for this lot in the years 2006 and 2007.

Oct. 5, 2006 Petition No. 1183-06
Planning Commissioner; the proposed development is not in keeping with the S.R. 54 West Overlay requirements and the precedent of allowing O-I into the subdivision will impact Lakeview Estates in a negative manner.
Planning Commissioner; Added that he was concerned about setting a precedent for the residential subdivision which appears to be spot zoning.
Planning Commissioner; Stated that the homeowners have kind of been given a promise of how the subdivision will be developed and this is a major disruption and is not the proper request for the subject property.

Oct. 26, 2006 Petition No. 1183-06
The Board of Commissioners accepted the Petitioner's withdrawal request for this petition.

Oct. 4, 2007 Petition No. 1201-07
Planning Commissioner; expressed concern about setting a precedent. He said that it was tough to change the use on a platted lot within a platted subdivision, which had been established for such a long time. He pointed out that the request was not in compliance with the land use plan.
Planning Commissioner; Advised that the P.C. has no control over the adjacent City zoning. He concurred that since the subject property is in a platted lot in a platted subdivision. He said that the property owners purchased their lots in a platted subdivision and it is unfair to throw a curve to those property owners.
Planning Commissioner; noted that the subject property can be developed as a residential lot.

Oct. 25, 2007 Petition No. 1201-07

Board Commissioner; said he would like to note that the County had historically not changed zonings in a platted subdivision and he did not think this should start now.

Board Commissioner; agreed and said he would not be in favor of removing a lot from a platted residential subdivision for commercial use.

Board Commissioner; agreed and said he did not feel this was even a close case. He said the predominant area was low density residential with one unit to one to two acre lots and was a previously platted subdivision. He noted that there had been a prior lawsuit involving Lot 1 that this County had successfully defended. He said he saw no reason to change the current zoning. He said the proposed development would not be compatible with the surrounding area.

Attached is a petition to deny the rezoning request.