COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Thursday, October 28, 2010	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1220-10, Rosemary Wurster as Trustee of the Maw Family Trust dated December 20, 2007, Owner, and David Barber, Agent, request to rezone 2.40 acres from C-H to M-1 to develop an Office/Warehouse/Auto Recovery and Impoundment. This property is located in Land Lot 217 of the 5th District and fronts on Walter Way.

Background/History/Details:

On August 24, 1989, the Board of Commissioners approved Petition No. 722-89 to rezone 47.594 acres from A-R to C-H. The subject property is located within Kenwood Business Park, Phase II, which was recorded on June 18, 1990, and consisted of 21 lots.

The following lots were rezoned from C-H and M-1 for industrial uses:

In 1991, Lots 23, 31, 32, and 33 (Petition No. 775-91)
In 1992, Lot 34 (Petition No. 808-92)
In 1993, Lot 22 (Petition No. 830-93)

The Kenwood Business Park Subdivision consists of approximately 258 acres with approximately 117 total lots. There are approximately 15 lots are zoned C-H and 102 lots are zoned M-1.

What action are you seeking from the Board of Commissioners?

Final decision by the Board of Commissioners regarding the rezoning request from C-H to M-1

The Planning Commission recommended: APPROVAL 5-0

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

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

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1220-10

APPLICANT: Rosemary Wurster as Trustee of the Maw Family Trust dated December 20, 2007
180 Walter Way, Ste 110
Fayetteville, GA 30214

STAFF RECOMMENDATION: **APPROVE**

PLANNING COMMISSION HEARING: October 7, 2010

PLANNING COMMISSION RECOMMENDATION: **APPROVE 5-0**

BOARD OF COMMISSIONERS HEARING: October 28, 2010

COMMISSION DECISION: _____

REQUEST: Request to rezone 2.40 acres from C-H to M-1 to develop an Office/Warehouse/Auto Recovery and Impoundment Facility.

PARCEL SIZE: 2.40 acres

EXISTING USE: Office/Warehouse/Retail Facility

PROPOSED USE: Office/Warehouse/Auto Recovery and Impoundment Facility

LOCATION: Land Lot 217 of the 5th District and fronts on Walter Way

ZONING OF SURROUNDING PROPERTY: M-1 and C-H

LAND USE PATTERN: Industrial

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Doug Powell made the motion to approve the petition. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

PLANNING COMMISSION RECOMMENDATION

DATE: October 7, 2010

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1220-10, the application of Rosemary Wurster as Trustee of the Maw Family Trust Dated December 20, 2007,to rezone 2.40 acres from C-H to M-1, be:

__✓__ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action. 5-0

TIM THOMS, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

JIM GRAW

DOUGLAS POWELL

Remarks:

Fayette County
GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

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

Date: October 28, 2010

Subject: Board of Commissioners Public Hearing, October 28, 2010

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the revised final plat application and rezoning application scheduled for public hearing on October, 2010.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	RP-048-10	Loggia Point/ Revision of a Recorded Plat for Haddonstone Subdivision to subdivide the Amenity Area into two (2) single-family dwelling lots	**PROPOSED DENSITY COMPLIES WITH THE DENSITY DESIGNATED ON LAND USE PLAN AS LOW DENSITY RESIDENTIAL**	**APPROVE 5-0**
2-1	1220-10	Walter Way/ Office/Warehouse/ Auto Recovery and Impoundment	**APPROVE**	**APPROVE 5-0**

DSD/rsw

cc: Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Peter A. Frisina, Division Director of Community Development
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

REQUESTED ACTION: C-H (Commercial Highway) to M-1 (Light Industrial)

PROPOSED USE: Office/Warehouse/Auto Recovery and Impoundment Facility

EXISTING USE: Office/Warehouse/Retail Facility

LOCATION: 165 Walter Way

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 217

OWNER: Rosemary Wurster as Trustee of the Maw Family Trust Dated December 20, 2007

APPLICANT: David Barber

PLANNING COMMISSION PUBLIC HEARING: October 7, 2010

BOARD OF COMMISSIONERS PUBLIC HEARING: October 28, 2010

APPLICANT'S INTENT

Applicant proposes to develop an Office/Warehouse/Auto Recovery and Impoundment Facility consisting of one (1) lot on 2.40 acres.

STAFF RECOMMENDATION

APPROVAL

INVESTIGATION

A. PROPERTY SITE

The subject property is a 2.40 acre tract fronting on Walter Way in Land Lot(s) 217 of the 5th District. Walter Way is classified as an Internal Local road on the Fayette County Thoroughfare Plan. The subject property contains a 5,600 square foot structure constructed in 1998, and is currently zoned C-H.

History:

On August 24, 1989, the Board of Commissioners approved Petition No. 722-89 to rezone 47.594 acres from A-R to C-H. The subject property is located within Kenwood Business Park, Phase II, consisting of 21 lots, which was recorded on June 18, 1990.

The following lots within Kenwood Business Park, Phase II were rezoned from C-H and M-1 for industrial uses:

In 1991, Lots 23, 31, 32, and 33 (Petition No. 775-91)
In 1992, Lot 34 (Petition No. 808-92)
In 1993, Lot 22 (Petition No. 830-93)

The entire Kenwood Business Park Subdivision consists of approximately 258 acres with approximately 117 total lots. There are approximately 15 lots zoned C-H and 102 lots zoned M-1.

B. SURROUNDING ZONING AND USES

The general situation is a 2.40 acre tract that is zoned C-H. In the vicinity of the subject property is land which is zoned M-1 and C-H. 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	2.00	M-1	Nonresidential Structure 6,000 sf	Light Industrial
South	2.03	C-H	Nonresidential Structure 15,750 sf	Light Industrial
East (across Walter Way)	1.00 1.00	C-H C-H	Nonresidential Structure 7,125 sf Nonresidential Structure 6,515 sf	Light Industrial Light Industrial
West	11.83	M-1	Nonresidential Structure 11,016 sf	Light Industrial and Conservation Areas

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Light Industrial. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone 2.40 acres from C-H to M-1 for the purpose of developing an Office/Warehouse/Auto Recovery and Impoundment Facility.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
M-1 (proposed zoning district)	F - 100' Arterial F - 80' Collector F - 65' Minor S - 25' R - 25'	1 Acre* 0.5 Acre**	N/A	125'	75' required adjacent to residential or A-R zoning districts
C-H (existing zoning district)	F - 75' Arterial F - 70' Collector F - 65' Local S - 15' R - 30'	1 Acre* 0.5 Acres **	N/A	125'	50' required adjacent to residential or A-R zoning districts

* 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.

Right-of-Way Requirements

Walter Way is classified as an Internal Local road (minor thoroughfare) on the Fayette County Thoroughfare Plan. The existing right-of-way is 60 feet; therefore, no additional right-of-way will be required.

Access

Per the approved Site Plan, the subject property contains one (1) existing access from Walter Way.

E. TRAFFIC AND TRIP GENERATION

Per the Planning and Zoning Department, the volume of trips generated by the proposed development can be estimated by use of the manual Trip Generation (7th Edition) by the Institute of Traffic Engineers, as shown in Table 1. The land use category of Warehousing (150), which includes offices, was used for this analysis. No trip generation data was found for auto recovery and impoundment.

The trip generation rates, per 1,000 square feet of gross floor area, are 4.96 for weekdays, 1.22 for Saturdays, and 0.79 on Sundays. As applied to the proposed rezoning, the proposed 5,600 square feet of warehouse/office development would generate 28 trips on weekdays, six (6) on Saturdays, and four (4) on Sundays. Trips generated by the auto impoundment activities are not accounted for in these numbers.

Proposed Rezoning #1220-10

Table 1: ITE Trip Generation
Warehousing (150)

	Weekday	Sat	Sun
Trip Gen, Rate per 1,000 sf of Gross Floor Area	4.96	1.22	0.79
Gross Floor Area	5,600sf	5,600sf	5,600 sf
24 hr Trip Ends	**27.78**	**6.23**	**4.42**

F. DEPARTMENTAL COMMENTS

Water System

Water is available. (Tony Parrott)

Stormwater (Bryan Keller)

Floodplain: Per FEMA FIRM panel 13113C0106E, the property does not contain floodplain.

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

Watershed Protection: Per the USGS Fayetteville Quadrangle, there are water bodies subject to the County watershed protection ordinance. A 100 foot undisturbed buffer from the stream bank with an additional 50 foot impervious area setback must be established.

Groundwater Recharge Area: The property is not within the groundwater recharge area, per the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20.)

Environmental Health Department

The department has no comment regarding the rezoning request; however, the individual sewage disposal system (installation inspection date of 12/10/98) was installed to serve a maximum of four (4) employees (100 gallons per day) with plumbing fixtures limited to sinks and toilets. (Jeff Kilgore)

Fire and EMS

Approved. (David Scarbrough)

Public Works Director/County Engineer

No comments. (Phil Mallon)

Board of Education

No comments returned.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from C-H to M-1 for the purpose of developing an Office/Warehouse/Auto Recovery and Impoundment Facility. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The request for rezoning from C-H to M-1 is consistent with the Fayette County Land Use Plan.

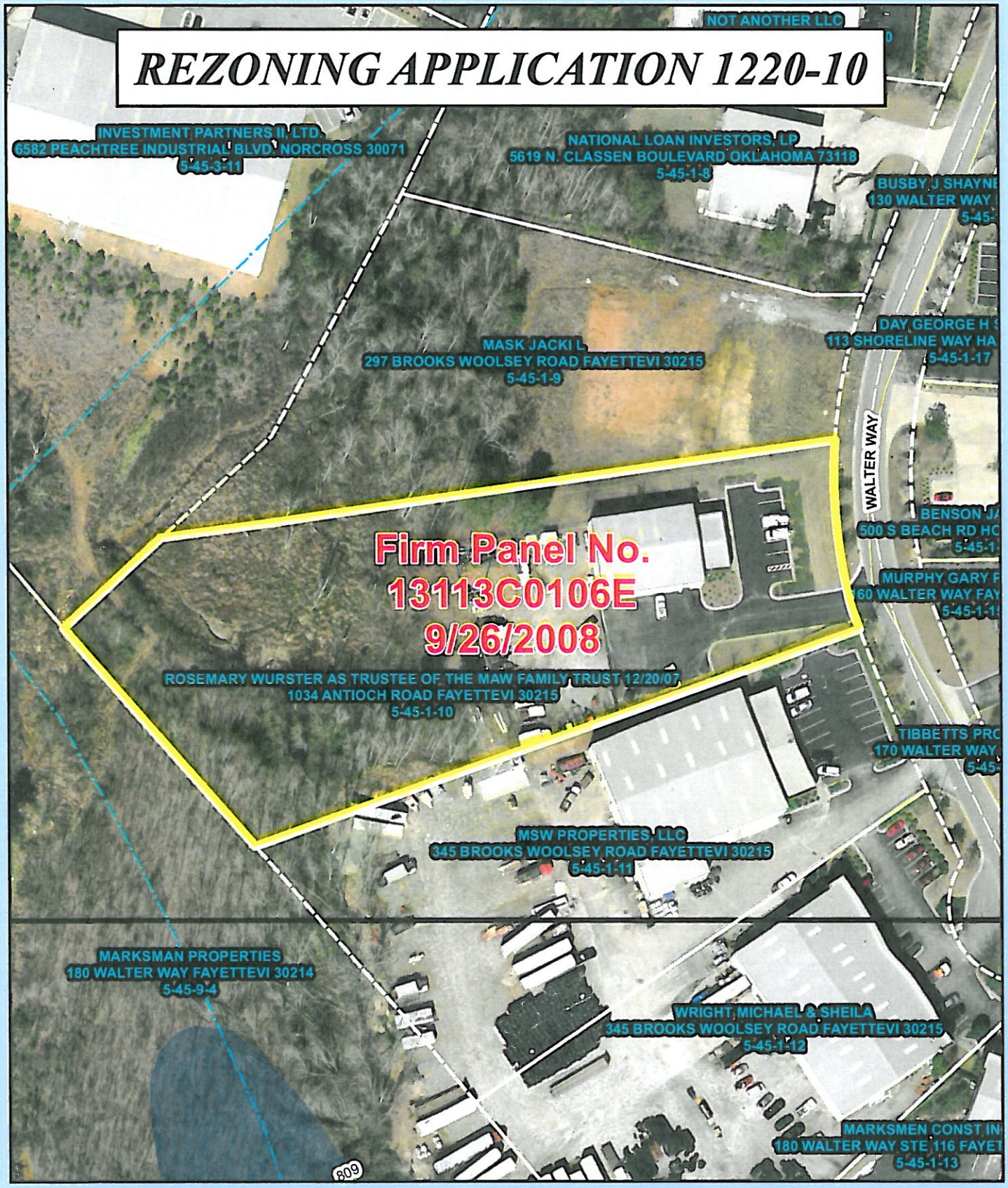
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

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 an M-1 business park support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL.**

REZONING APPLICATION 1220-10



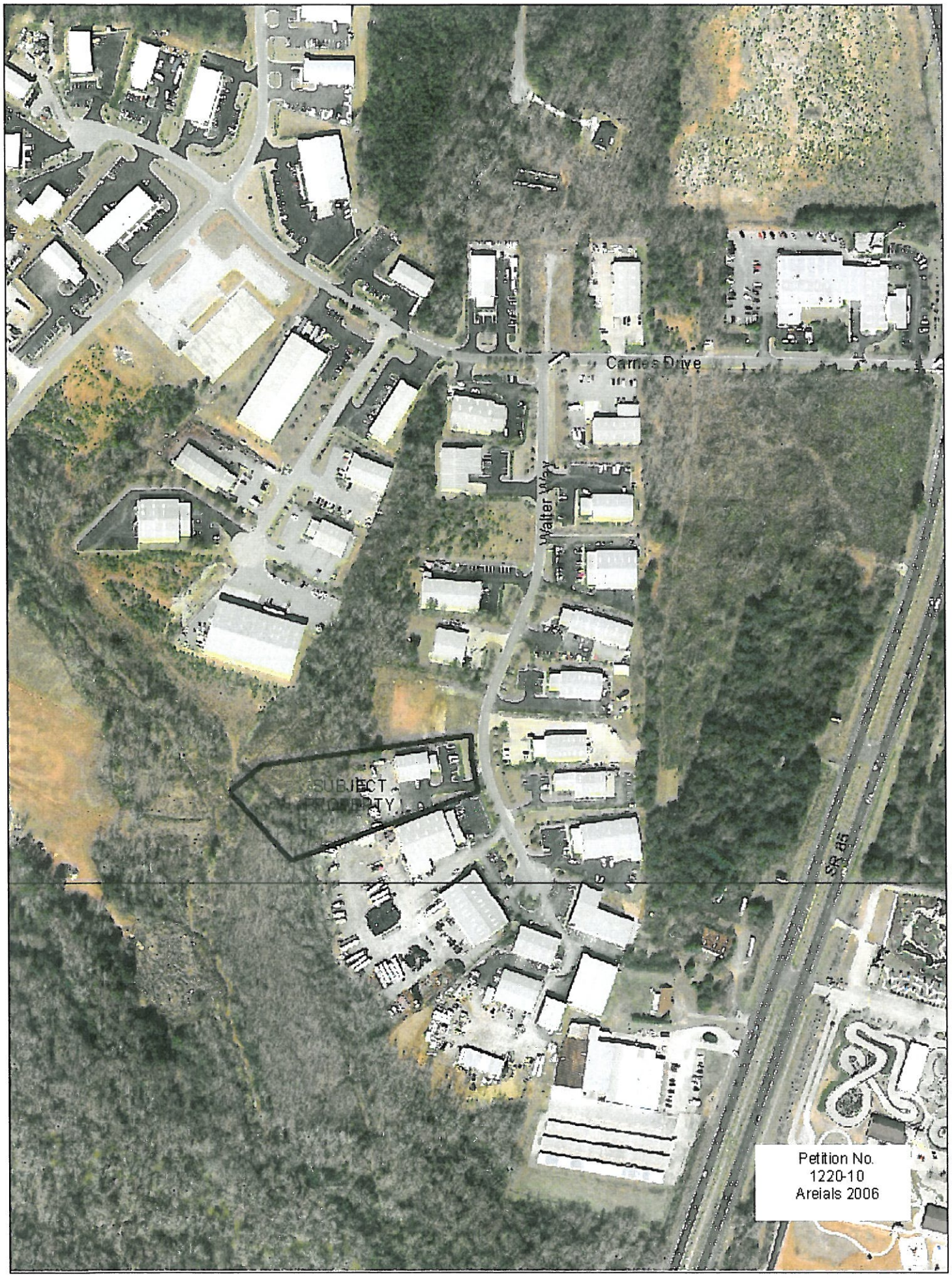
Fayette County
GEORGIA

1 inch = 100 feet

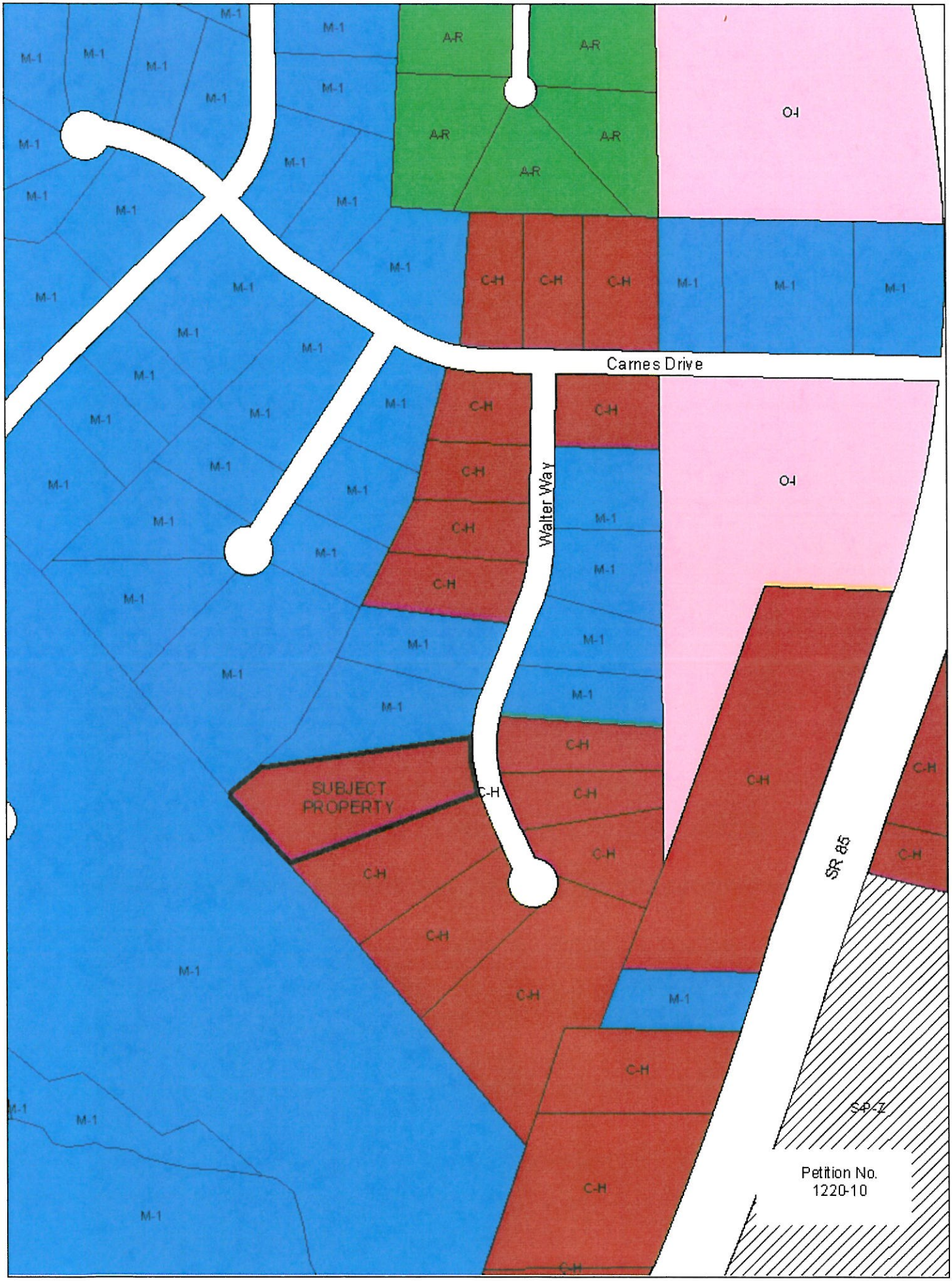
LEGEND

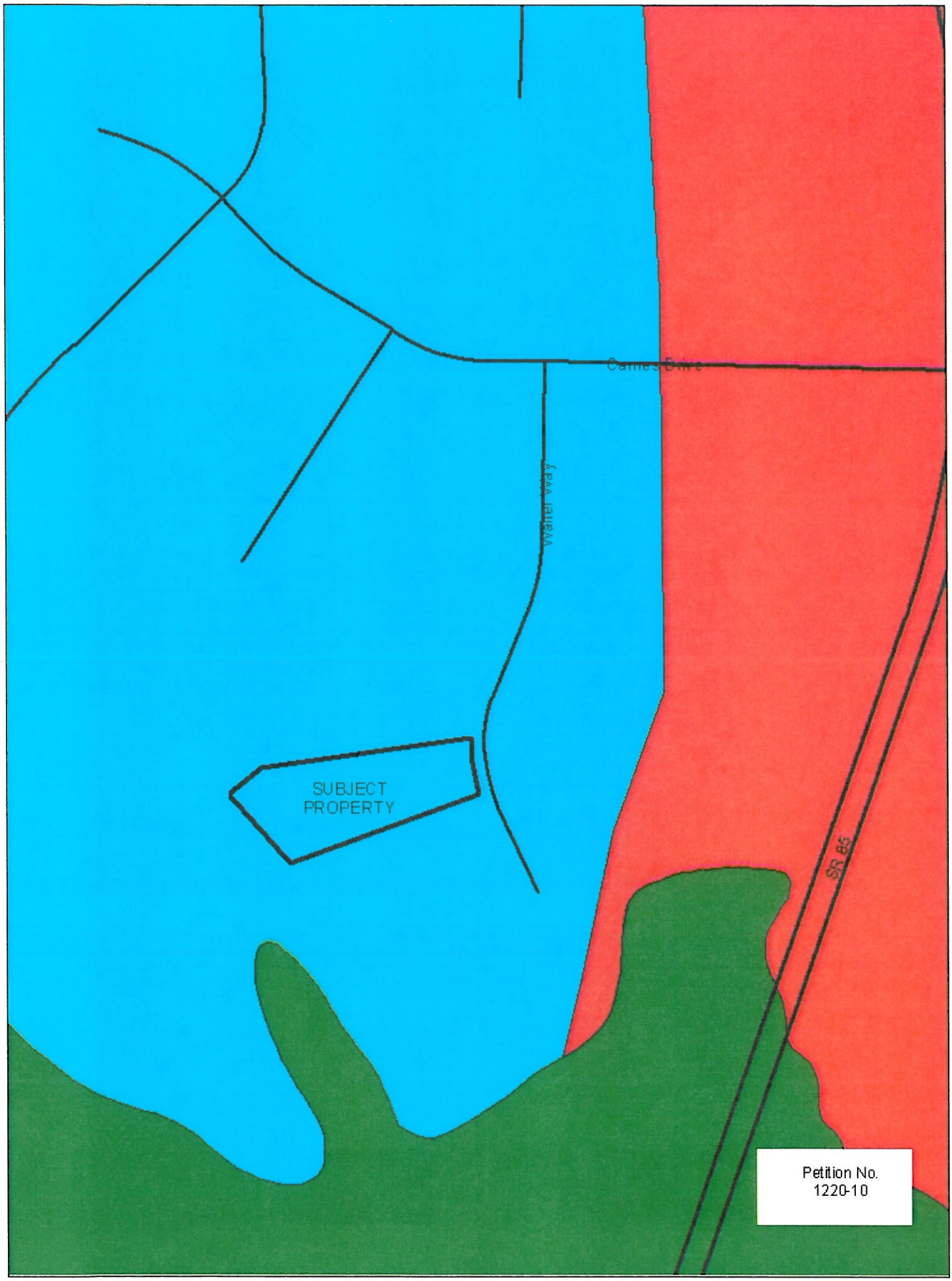
- City Limits
- Ground Water Recharge Areas
- Streams
- NWI Wetlands
- 500 Year Storm
- 100 Year Storm Zone A
- 100 Year Storm Zone AE
- 100 Year Storm Zone AE (Floodway)

N



Petition No.
1220-10
Areials 2006


M-1
A-R
O-I
C-H
Carnes Drive
Walter Way
SUBJECT PROPERTY
SR 85
S-P-Z
Petition No. 1220-10



Petition No.
1220-10

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

3. **Consideration of Petition No. 1220-10, Rosemary Wurster as Trustee of the Maw Family Trust dated December 20, 2007, Owner, and David Barber, Agent, request to rezone 2.40 acres from C-H to M-1 to develop an Office/Warehouse/Auto Recovery and Impoundment Facility. This property is located in Land Lot 217 of the 5th District and fronts on Walter Way.** *Staff recommended Approval.*

Dave Barber of Marksmen Construction requested to rezone the subject lot from C-H to M-1. He confirmed approximately 95% of the lots in Kenwood Business Park are currently zoned M-1.

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. Hearing none and with no rebuttal required, he closed the floor from public comments.

Doug Powell made the motion to approve the petition. Al Gilbert seconded the motion.

Al Gilbert stated the business park is basically an M-1 area.

Hearing no further comments, Chairman Thoms called for the vote. The motion unanimously passed 5-0.

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.

B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.

C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".

[✓] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .

[ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 31st day of August, 20 10.

(X) Rosemary Wurtz
APPLICANT'S SIGNATURE

September 1, 2010

Fayette County Planning Commission
Fayette County Board of Commissioners
140 Stonewall Avenue West
Fayetteville, GA 30214

Re: Petition No.: 1220-10

Dear Sir:

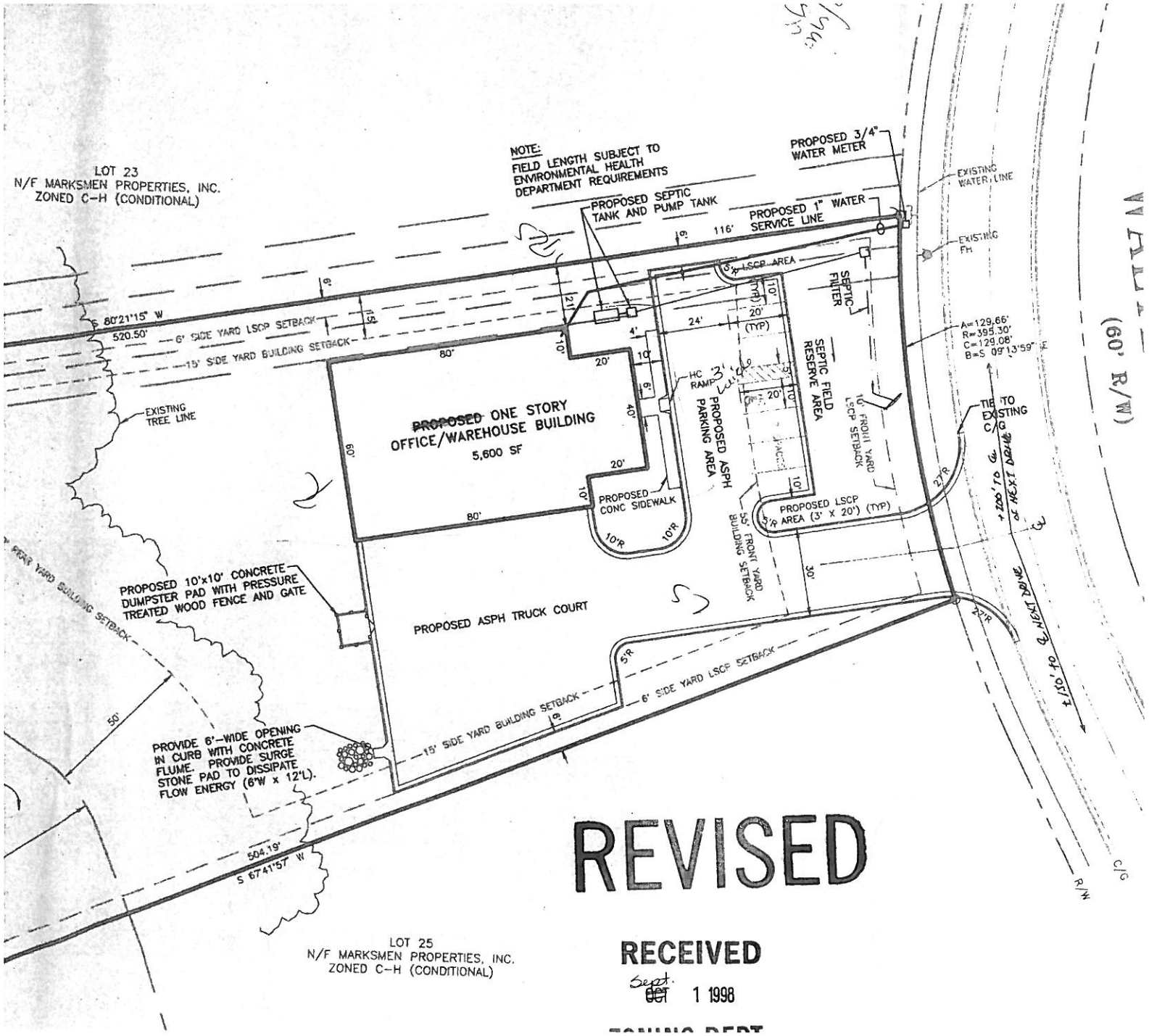
The subject property is a 2.40 acre tract fronting on Walter Way in Land Lot(s) 217 of the 5th District and contains a 5,600 square foot structure which was constructed in 1998, and is currently zoned C-H. The applicant is requesting to rezone the subject property to M-1 to allow an Office/Warehouse/Auto Recovery and Impoundment Facility.

The Kenwood Business Park Subdivision consists of approximately 258 acres with approximately 117 total lots. There are approximately 15 lots zoned C-H and 102 lots zoned M-1.

Your consideration of this petition will be greatly appreciated.

Sincerely,

David Barber
Marksmen Construction

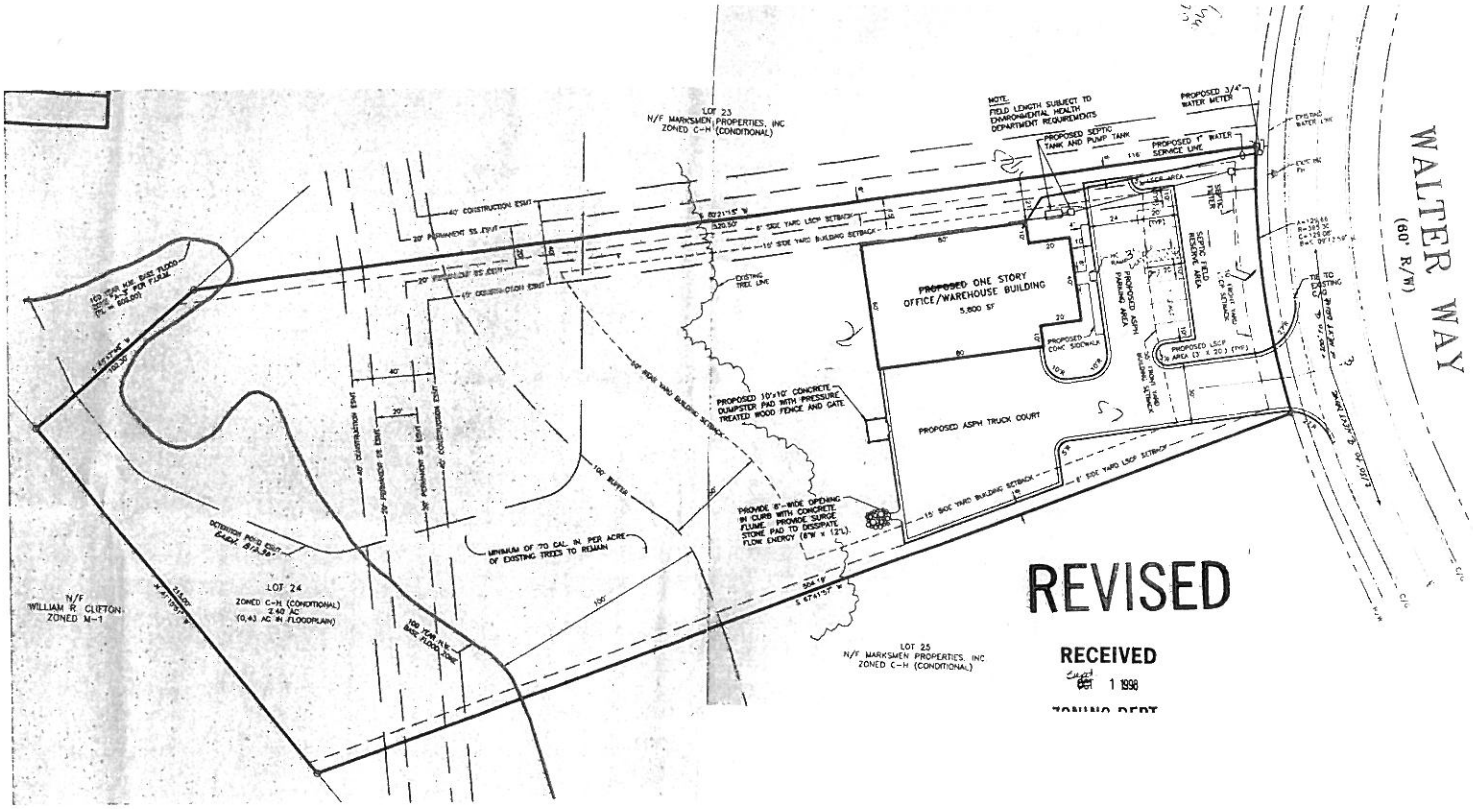


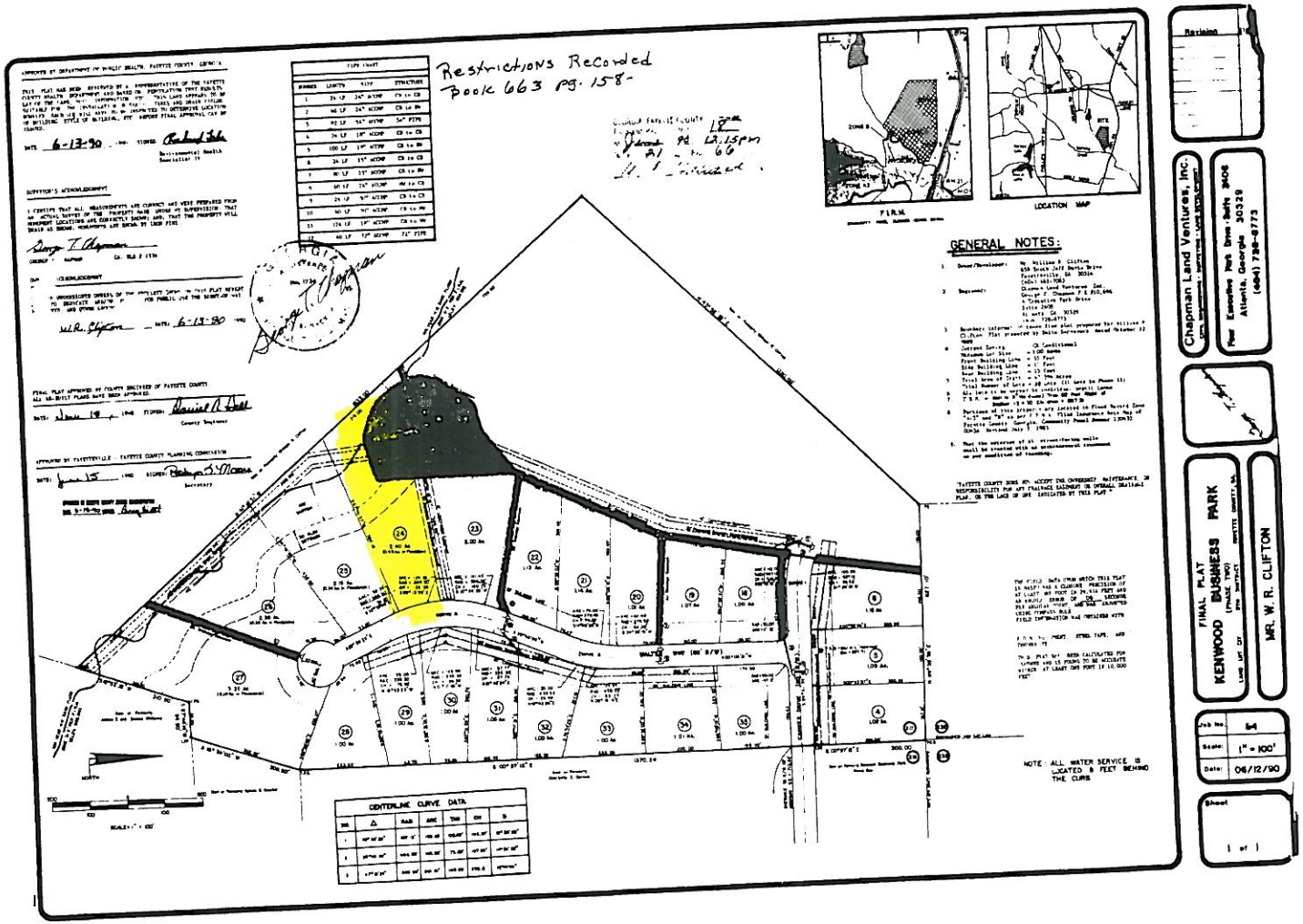
REVISED

RECEIVED

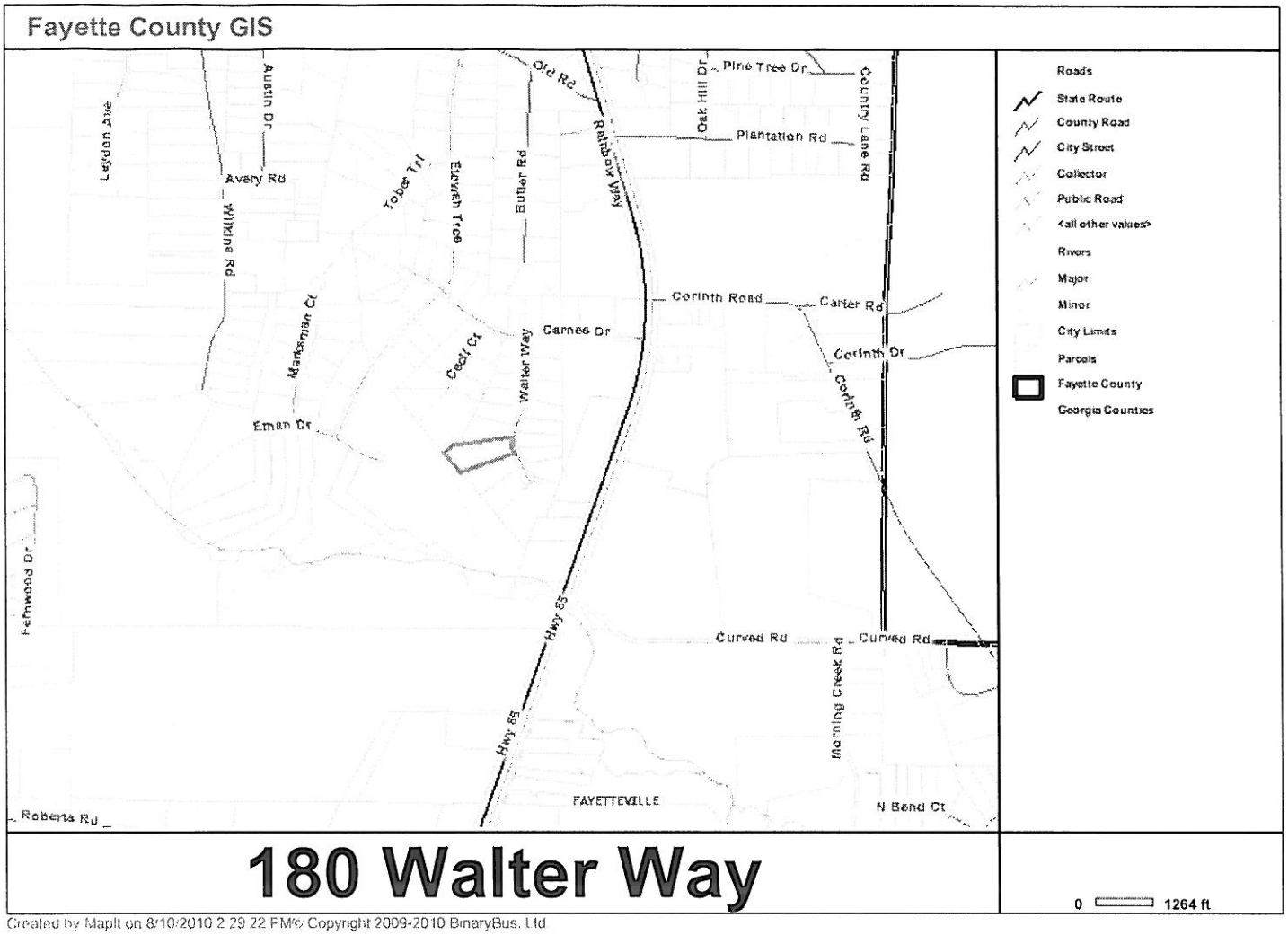
Sept. ~~Oct~~ 1 1998

ZONING DEPT


WALTER WAY
(60' R/W)
LOT 23
N/F MARKSMEN PROPERTIES, INC
ZONED C-H (CONDITIONAL)
NOTE:
FIELD LENGTH SUBJECT TO
ENVIRONMENTAL HEALTH
DEPARTMENT REQUIREMENTS
PROPOSED SEPTIC
TANK AND PUMP TANK
PROPOSED 1" WATER
SERVICE LINE
PROPOSED 3/4"
WATER METER
EXISTING
WATER LINE
TO EXISTING
CAP
40' CONSTRUCTION EASM
20' PERMANENT SS EASM
15' CONSTRUCTION EASM
8' SIDE YARD LSCP SETBACK
15' SIDE YARD BUILDING SETBACK
EXISTING
TREE LINE
PROPOSED ONE STORY
OFFICE/WAREHOUSE BUILDING
5,800 SF
PROPOSED
CONC SIDEWALK
PROPOSED ASPH
PARKING AREA
SEPTIC
TANK
LEACH
FIELD
RESERVE AREA
PROPOSED LSCP
AREA (3 X 20) (TYP)
PROPOSED ASPH TRUCK COURT
PROPOSED 10'x10' CONCRETE
DUMPSTER PAD WITH PRESSURE
TREATED WOOD FENCE AND GATE
PROVIDE 6"-WIDE OPENING
IN CURB WITH CONCRETE
FLUME. PROVIDE SURGE
STONE PAD TO DISSIPATE
FLOW ENERGY (8'W X 12'L)
15' SIDE YARD BUILDING SETBACK
8' SIDE YARD LSCP SETBACK
100' BUFFER
MINIMUM OF 70 CAL. IN PER ACRE
OF EXISTING TREES TO REMAIN
100' FEMA 100 YEAR
BASE FLOOD ZONE
N/F
WILLIAM R CLIFTON
ZONED M-1
LOT 24
ZONED C-H (CONDITIONAL)
2.40 AC
(0.43 AC IN FLOODPLAIN)
LOT 25
N/F MARKSMEN PROPERTIES, INC
ZONED C-H (CONDITIONAL)
REVISED
RECEIVED
OCT 1 1998
ZONING DEPT


Restrictions Recorded
Book 663 pg. 158-
GENERAL NOTES:
FIRM
LOCATION MAP
CENTERLINE CURVE DATA
NOTE: ALL WATER SERVICE IS LOCATED 8 FEET BEHIND THE CURB
Revision
Chapman Land Ventures, Inc.
Four Executive Park Drive - Suite 3406
Atlanta, Georgia 30329
(404) 728-8773
FINAL PLAT
KENWOOD BUSINESS PARK
MR. W. R. CLIFTON
Job No: 54
Scale: 1" = 100'
Date: 06/12/90
Sheet
1 of 1

File#:



180 Walter Way

Created by MapIt on 8/10/2010 2:29:22 PM© Copyright 2009-2010 BinaryBus, Ltd

Parcel ID:	**054501010**		
Property Address:	165 WALTER WAY	**Owner Name:**	ROSEMARY WURSTER AS TRUSTEE OF THE MAW FAMILY TRUST 12/20/07
Legal Description:	LOT 24 KENWOOD BUSINESS PK II	**Mailing Address:**	1034 ANTIOCH ROAD; FAYETTEVILLE, GA 30215
Subdivision:	KENWOOD BUSINESS PARK II	**Acreage:**	2.4
Deed Book-Page:	3337-11	**Plat Book-Page:**	21-66

The information provided on these web pages is for informational use only.

Doc ID: 007685550001 Type: GLR
Filed: 12/21/2007 at 02:30:00 PM
Fee Amt: $10.00 Page 1 of 1
Transfer Tax: $0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3337 PG 11

please return to:
B D. Murphy III
P O. Box 26
Fayetteville, GA 30214-0026

Draw Deed Only

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 21st day of December, in the year two thousand seven, between

MARK WURSTER

as party or parties of the first part, hereinafter called Grantor, and

ROSEMARY WURSTER AS TRUSTEE OF THE MAW FAMILY TRUST DATED DECEMBER 20, 2007

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of OTHER GOOD AND VALUABLE CONSIDERATION AND TEN AND NO/100 ($10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 217 of the 5th District of Fayette County, Georgia, and being Lot 24, Kenwood Business Center, Phase II, as per plat recorded in Plat Book 21, Page 66, Fayette County, Georgia records, which plat is hereby incorporated herein and by reference made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only property use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in presence of:

WITNESS

NOTARY PUBLIC

MARK WURSTER (SEAL)

(SEAL)