AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
August 3, 2017
7:00 pm

*Please turn off or turn to mute all electronic devices during the Planning Commission Meetings


2. Election of the Planning Commission Secretary.

3. Consideration of the Minutes of the meeting held on July 20, 2017.

NEW BUSINESS

4. Consideration of a Final Plat of Ebenezer Estates Phase 2. The property will consist of nine residential lots zoned R-70, is located in Land Lots 59 of the 7th District and fronts on Seay Road.

PUBLIC HEARING

5. Consideration of Petition No. 1268-17, Elizabeth R. Arnold, Owner, and Broderick Arnold, Agent, request to rezone 1.00 acre from A-R to R-40. This property is located in Land Lot 70 of the 5th District and fronts on Price Road.

6. Consideration of Petition No. T-020-17, Verizon Wireless, Owner, and Jenna E. Lee, Agent, request a reduction of the requirements of Sec. 110-150. Standards for Telecommunications Antennas and Towers to develop a 190 foot Monopole Telecommunication Tower. The request is to reduce the tower separation requirement of one (1) statute mile to .7 miles. This property is located in Land Lot 129 of the 4th District and fronts on SR 85 and 85 Hwy Connector. (This item cannot be heard due to issues with the required Balloon Test.)
To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: July 28, 2017
Subject: Final Plat to be considered on August 3, 2017

MINOR SUBDIVISION PLAT
Final Plat of Ebenezer Estates Phase 2

OWNER/APPLICANT
Oscar C. Cavender, Owner

Recommend APPROVAL for the Final Plat.
REQUESTED ACTION:  A-R to R-40

PROPOSED USE:  Residential

EXISTING USE:  Residential

LOCATION:  Price Road & Tributary Way

DISTRICT/LAND LOT(S):  5th District, Land Lot(s) 70

OWNER:  Elizabeth R. Arnold

AGENT:  Broderick Arnold

PLANNING COMMISSION PUBLIC HEARING:  August 3, 2017

BOARD OF COMMISSIONERS PUBLIC HEARING:  August 24, 2017

________________________________________________________________________

APPLICANT'S INTENT

Applicant proposes to rezone an existing nonconforming one (1) acre lot from A-R to R-40.

STAFF RECOMMENDATION

APPROVAL

1.  1268-17
INVESTIGATION

A. PROPERTY SITE

The subject property is a one (1) acre tract fronting on Price Road in Land Lot(s) 70 of the 5th District. Price Road is classified as a Local road on the Fayette County Thoroughfare Plan. The subject property does not have access to Tributary Way as the Final Plat for Price Road Estates indicates that a portion of lot 18 separates the subject property from the right-of-way of Tributary Way. The subject property is undeveloped and currently zoned A-R.

History: The survey for the lot was recorded on August 22, 1969, Book 5 Page 89.

B. SURROUNDING ZONING AND USES

The general situation is a one (1) acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-40. See the following table and also the attached Zoning Location Map.

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

<table>
<thead>
<tr>
<th>Direction</th>
<th>Acreage</th>
<th>Zoning</th>
<th>Use</th>
<th>Comprehensive Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>North (across</td>
<td>1.00</td>
<td>R-40</td>
<td>Single-family Residential</td>
<td>Low Density Residential (1 Unit/1 or 2 acres)</td>
</tr>
<tr>
<td>Tributary Way</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South and East</td>
<td>1.05</td>
<td>R-40</td>
<td>Single-family Residential</td>
<td>Low Density Residential (1 Unit/1 or 2 acres)</td>
</tr>
<tr>
<td>West (across</td>
<td>3.20</td>
<td>A-R</td>
<td>Single-family Residential</td>
<td>Low Density Residential (1 Unit/1 or 2 acres)</td>
</tr>
<tr>
<td>Price Road)</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 acre). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone an existing nonconforming one (1) acre lot from A-R to R-40. The subject property will meet the minimum one (1) lot size for the R-40 Zoning District. However, the subject property will not meet the minimum lot width of 125 feet as the lot is 100 feet wide. The rezoning of a legal nonconforming lot is based on the following:
Sec. 7-2. Nonconformances. A. Nonconforming Lots.

Consideration for the Rezoning of Legal Nonconforming Lots. Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in Article XI., would include the following:

1. The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and

(The subject property is vacant and contains no existing structures)

2. The current zoning and land use designations of adjoining lots as indicated on the Land Use Plan.

(The subject property is surrounded on three (3) sides by properties zoned R-40 and the Land Use Plan designation of adjoining lots is Low Density Residential (1 Unit/ 1 or 2 acres).

E. DEPARTMENTAL COMMENTS

Water System

City of Fayetteville service area.

Public Works/Engineering

Engineering has no comments on this rezoning request (parcel 0517 052).

Environmental Management

EMD has no comments

Environmental Health Department

No objections

Fire

The bureau of fire prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.
STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-40 for the purpose of developing Residential. Per Section 110-300 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 acre). This request conforms to the Fayette County Comprehensive 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 a single-family residential district support this petition.

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