

BOARD MEMBERS

John H. Culbreth, Sr.
John Kruzan
Danny England
Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Christina Barker, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
February 1, 2024
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Oath of Office for Boris Thomas.
4. Approval of Agenda.
5. Consideration of the Minutes of the meeting held on January 4, 2024

PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.
7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.
8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.
9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single family residential parcel.

Meeting Minutes 1/04/24

THE FAYETTE COUNTY PLANNING COMMISSION met on January 04, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver
John H. Culbreth Sr., Chairman
John Kruzan, Vice-Chairman
Danny England

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Christina Barker, Zoning Coordinator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
Danny England made a motion to approve the January 4th Agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin submitted a letter of resignation as a board member for the Planning Commission on January 3, 2024, and therefore was not present.
4. Consideration of the Minutes of the meeting held on December 7, 2023.
John Culbreth made a motion to approve the minutes of the meeting held on December 7, 2023. Danny England seconded the motion. The motion passed 4-0.
5. Election of the Chairman.
Jim Oliver made the motion to elect John Culbreth, Sr. as the Chairman of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.
6. Election of the Vice-Chairman.
Jim Oliver made the motion to elect John Kruzan as the Vice Chairman of the Planning Commission. John Culbreth seconded the motion. The motion passed 4-0.
7. Election of the Secretary.
Jim Oliver made the motion to elect Christina Barker as the Secretary of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

Deborah Bell states, “That since we don’t have a full board present as Christina mentioned, you have the option to table this until the following month. Ms. Bell asks petitioner if they would like to continue or table this petition. Ms. Bell states we have a quorum, but not a full board they have the option to table.”

Jim Culbreth makes a point of inquiry, “We have a full board in lieu of the fact that we’ve had a member resign, is that correct?”

Bell, “Ok.”

Danny England, “This is as full as we are going to get right now.”

Jim Oliver, “We are a board of four now.”

Deborah Bell presents the staff report for Petition No. 1336-23 which is a request to rezone the above parcel from A-R to C-H. The applicant proposes to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses. As defined in the Fayette County Comprehensive Plan, property is designated for low-density residential at one unit per one acre. Therefore, the request for rezoning to C-H is not appropriate. Based on the investigation and staff analysis staff recommends denial of the request simply based on the land use plan. If the request is approved, staff recommends the following conditions:

Staff recommends the following CONDITIONS:

1. The residential structures, primary and accessory, on the property shall be demolished within 90 days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

The petitioner, Sheffey Cochran, states that the reason they are requesting the property be rezoned is that because everything around the property is zoned commercial. We have a storage unit next to us, next to them is a flooring company, and then a gas station. The other side of the property is where the trading place used to be. When you go down Hwy 85, there are a lot of properties getting rezoned commercial also, so we were trying to get it zoned commercial and have the building there and sell it with the building, not with blank land. The petitioner offers to get a new plat with the property shown if needed, and her buyer bought the old Stinchcomb Property, so we just want to get it zoned commercial because we think it is a better use.

Danny England says “So, Luis Arango is purchasing this property?”

Sheffey states, “No, I am. We own this property. The property behind it, I sold him where it comes out on Redwine.”

John Culbreth asks if anyone else would like to speak on behalf of the petitioner or if anyone is against the proposed rezoning. Are there any questions?

Danny England asks, “So the property adjacent to you to the South. What is that parcel currently? There is a house on that one as well.”

Sheffey Cochran, “Yes.”

Danny England, “But that one is not occupied?”

Sheffey Cochran, "There are people living there because I sold them that house. We bought two houses with it and then I bought a house."

Danny England, "That property was one house and then further south we have the lake with the Stinchcomb house, part of Luis' development, the old Trading Post. I think this is one of those funny properties because you literally draw a line on the map and say commercial/residential. Sometimes we are able to use a road, a body of water, or a power line to make that transition from commercial to residential, but here it is literally you are in the commercial or you are not. You just happen to be the test case for should this be commercial or not."

Jim Oliver, "If this were to be commercial have you looked at all your setbacks? Do you have a use for it? Do you have an end user?"

Sheffey Cochran, "I spoke to the storage unit because they already have a list of people who want to rent the units. He said he might be willing if I can get it zoned commercial because he owns the property next to me."

Jim Oliver, "Did you look over the list of conditions? Do you have a copy?"

Sheffey Cochran stated she did.

Jim Oliver, "We are a recommending body, so you will be going before the Board of Commissioners. If you get a favorable response from the board. Are you comfortable with the condition that you will remove the structure within 90 days?"

Sheffey Cochran states, "We would rather not remove it. We would rather whoever uses it as commercial or remove it themselves. Because it is going to cost us more to take it down than we will end up making."

Bell shows a current survey of the property. She states, "These buildings encroach on the current setbacks, and they would also encroach on the setbacks if zoned C-H. So, they are non-conforming structures. So, this diagram shows what the buffers and setbacks would be on the property, and they would definitely be encroaching on the buffers and setbacks if rezoned to C-H. This area on the interior of this box is about the only part of the property that is not located in a buffer or setback. It's a small parcel and for that reason, staff is recommending the demolition of existing structures."

Danny England, "And to be clear the setbacks you have shown on this diagram are the commercial setbacks."

Bell, "Yes, they are commercial setbacks and they do encroach on the residential setbacks. They may or may not be legal non-conforming, we did not investigate that."

Danny England, "Well, the house has been there forever."

Jim Oliver, "Have you thought about if you get approved, you have to go tear the house down within 90 days."

Sheffey Cochran, "Yes, well, it may cost more to tear it down than our return because it is a brick house."

Jim Oliver, "Well, I hate to state the obvious, but what do you want to do? We are a recommending body, I guess you can take our recommendation or leave it. I guess that would give you time to think about what you want to do. You have to think about now we have to tear it down and is that what you want to do? I want to make sure you are clear on that."

Danny England, "Actually the better statement is not what you want to do but are you willing to do it? If that is a stipulation to approval, you don't really have any choice."

John Culbreth, "You said yes you are willing to tear it down or no you are not?"

PC Meeting

Sheffey Cochran, "Yes, we are willing to tear it down, we just will have to figure it out."

John Culbreth, "Is the issue 90 days?"

Sheffey Cochran, "Yes."

John Culbreth asked the staff why 90 days?

Deborah Bell stated, "We generally set some time of deadline, so we have a goal. And something like a demolition does not take long to permit. It is a quick item to permit. Because the driveway is nonconforming. The driveway is nonconforming, so that is a reason to not allow a commercial development within existing structures because there is not a commercial driveway."

Jim Oliver, "You understand you are also putting on there a GDOT approval. That may take 6 months."

Deborah Bell, "That would be part of any new development process to get GDOT approval process to get the approval, but the demolition of the non-conforming structures is what we wanted to put a deadline on."

Sheffey Cochran states, "And we just remodeled the whole home. So why are they asking me to tear it down?"

Jim Oliver, "Mr. Chairman I would like make a motion to approve this petition with a change on the conditions from 90 days on demolition to 180 days."

Danny England, "On condition number one."

Jim Oliver asks staff to read the conditions out for the record.

"Yes sir, as amended the condition would read," said Deborah Bell Staff recommends the following CONDITIONS:

1. The residential structures, primary and accessory, on the property shall be demolished within 90 to be amended to 180 days of approval of the rezoning.

Sheffey, "Why are they asking for the building to be torn down?"

Danny England, "Because if we don't put a stipulation on it, three years from now, one of us drives by and it is still up. That house that was supposed to be removed because it was nonconforming is still there. Now it becomes a legal issue with the county attorney and the Marshal's office. When you are asking for a rezoning, they have to amend it.

Especially when you are going from something like this from A-R to commercial, the only way for the county to know you are starting from scratch and this building will meet the intent of the new zoning is to remove everything on the property that doesn't meet that zoning, so, therefore, this house is a goner. So, you are not a special case, and it happens to everyone."

Sheffey, "So can we add to the home?"

Danny England, "No, not in this case. Your property is all over the setback. The existing structure has very little value as a commercial property. Unless you find someone, who wants to move right in there, like a chiropractor. The house should be removed and start fresh."

Jim Oliver, "You have time, you can pull your petition before this goes any further."

Sheffey, "Ok."

Jim Oliver, "We have a motion with an amendment."

Danny England, "Did we get those all read in?"

Deborah Bell reads Conditions two and three.

2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.

3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

Jim Oliver made a motion to approve Petition No. 1336-23 subject to conditions.

Danny England seconded the motion subject conditions. The motion passed, subject to conditions, 4-0. The conditions are as follows:

Staff recommends the following CONDITIONS:

1. *The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.*
 2. *A site plan and appropriate permits are required before any commercial uses may be conducted on the property.*
 3. *A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.*
9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures. Deborah Sims introduces the staff report for Petition No. 1337-23. This property was subdivided some time ago but after the November 13, 1980, timeframe so in order to build anything on it, it will need to come into compliance. It is not a legal nonconforming lot. So, this is just asking to zone it to R-20 which follows the Future Land Use Plan of Fayette County. It is also the same surrounding zoning in the area. Jim Culbreth asks if the petitioner would like to present their case. “Good evening, I am Nathan Dockery the G.C. for the petitioner. They are out of town for work, so I am here on their behalf. The short version is they bought two parcels, one with a house on it a long time ago and was torn down. It has an existing driveway on it. The other lot is also tiny. It is zoned A-R so technically this is a nonconforming lot. We are looking to combine the two lots into one lot so we can build a house. We are asking for the same zoning as the other lot. Nothing special.” John Culbreth, “Is there anyone else in support of this petition?” “Hello, my name is Dianne Herring and I live next door to the property. I am in favor. I have lived in my home for 38 years and I was just wondering about compliance as far as square footage of the house and how many structures can be on the property.” Deborah Bell states, “As it is zoned now as A-R the minimum square footage is 1,200 square feet. The minimum square footage if rezoned is also 1,200 square feet. There would be allowed 2 accessory structures with a total footprint of 1,800 square feet. That is the standard allowance for any lot within the county.” John Culbreth asks if anyone is in opposition. If not, we will bring it back to the board. Are there any questions or inquiries? Nathan Dockery states, “Someone named Christian or Chris called him and said they didn’t want him moving the existing driveway that it had the best site distance on the property and because it was on a curve, and he wanted us to try to use that, so he said we didn’t need to do a driveway inspection at this time.” Deborah Bell states, “So Christian Smith does the driveway inspections, and Chris Stanley is the reviewer. Typically, Chris and Christian review these. If I may suggest that for the present, you approve the conditions as presented and between now and the Board of Commissioners meeting, I will follow up with Chris and Christian and we will get

some clarification on which driveway they would like for you to retain and which one they would like for you to remove.”

Nathan Dockery, “And if we can abandon that one and shift it over 50 feet, that is how our site plan was drawn. So, we love the new location, but we are fine. We will work through that with you guys.”

Danny England asked, “Nathan are you fine with the other two conditions?”

Nathan, “Yes, that’s fine.”

Danny England made a motion to approve Petition No. 1337-23 subject to conditions.

John Kruzan seconded the motion.

RECOMMENDED CONDITIONS

- 1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.*
- 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.*
- 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.*

ADJOURNMENT:

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 4-0.

The meeting adjourned at 7:31 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN**

ATTEST:

**CHRISTINA BARKER
PLANNING COMMISSION SECRETARY**

PETITION NO: 1338-24

REQUESTED ACTION: Rezone from A-R to R-72

PARCEL NUMBER: 0449 061

PROPOSED USE: Single-Family Residential

EXISTING USE: Single-Family Residential

LOCATION: 689 McBride Road

DISTRICT/LAND LOT(S): 4th District, Land Lot 252

ACREAGE: 2.14 acres

OWNERS: Jerry Battle, Jr. & Melissa Battle

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 2.14 acres from A-R to R-72 for the purposes of a single-family home and accessory structures.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 is designated for this area, so the request for R-72 zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of R-72, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of McBride Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a nonconforming lot. This property is not located in an Overlay Zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The Battles purchased the property in April 2023. At the time of purchase, there was an existing home constructed in 1901 with approximately 1,158 square feet, two (2) smaller sheds, one (1) 1,800 square foot metal building, and various debris. The sheds were never permitted. Mr. Battle applied for a building application for the 1,800 square foot shed in July 2023, however, staff was unable to approve the permit application because the lot was not a legal non-conforming lot. Rezoning is the first step in restoring the property to conforming status. The Battles understand variances and/or permits are also required if the existing structures are to remain. The existing house may be converted into a guest house for their handicapped son should the Zoning Board Appeals approve the variances for square footage and encroachment into the front yard setback. The Battles plan to construct a new primary residence that meets R-72 requirements once the non-conformances are cured.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-40, and R-72. See the following table and the attached Zoning Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.151	R-40	Single Family Residential	Rural Residential – 1 unit/ 2 acres
East	5.75	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 2 acres
South (across McBride Rd)	5.0; 19.55	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 3 acres
West	2.49	R-72	Single Family Residential	Rural Residential – 1 unit/ 2 acres

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on McBride Road.

Site Plan: The applicant submitted a survey for the property. They do propose adding a new single-family home.

E. DEPARTMENTAL COMMENTS

- Water System** - Water is not available in that area of McBride Rd. The option to extend the waterline is available at the homeowner's expense.
- Public Works** - No objections. Please refer to recommended conditions.
 - McBride Road is classified as a Collector and requires a 80' Right of Way per the Fayette County Thoroughfare Plan. Owner has agreed to dedicate necessary right-of-way.
- Environmental Management** - No objections.
 - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0114E dated September 26, 2008, and the FC Flood Study.
 - 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 -- There ARE NO state waters located on the subject property per Fayette County GIS.
 - Groundwater -- The property IS NOT within a groundwater recharge area.
 - Post Construction Stormwater Management -- Single family home construction of existing lots does not apply.
- Environmental Health Department** - Dept. has no objections to proposed rezoning from A-R to R-72.
- Fire** - No objections to the requested rezoning.
- GDOT** - Not applicable, not on State Route.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential.

ZONING DISTRICT STANDARDS

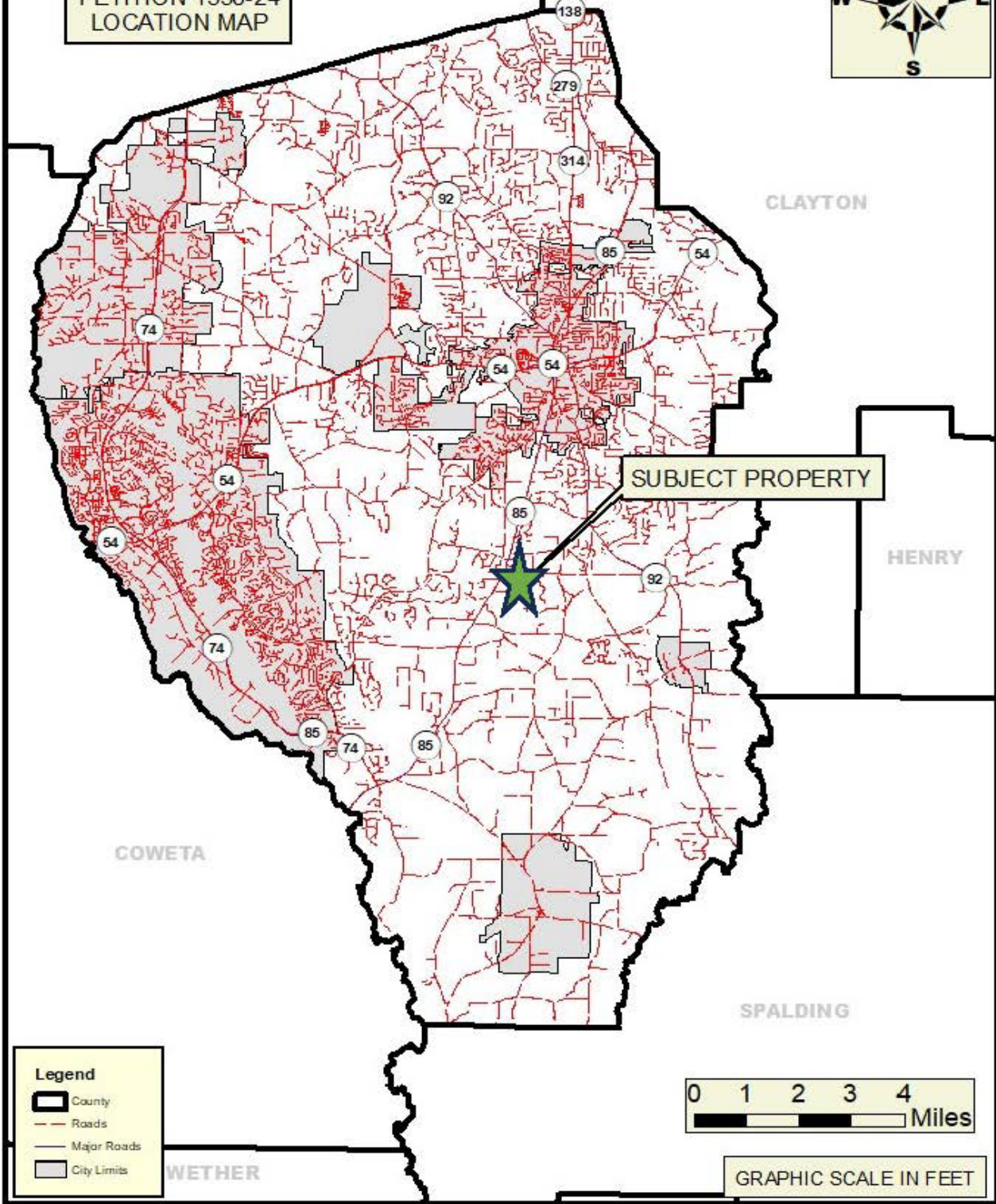
Sec. 110-132. R-72, Single-Family Residential District.

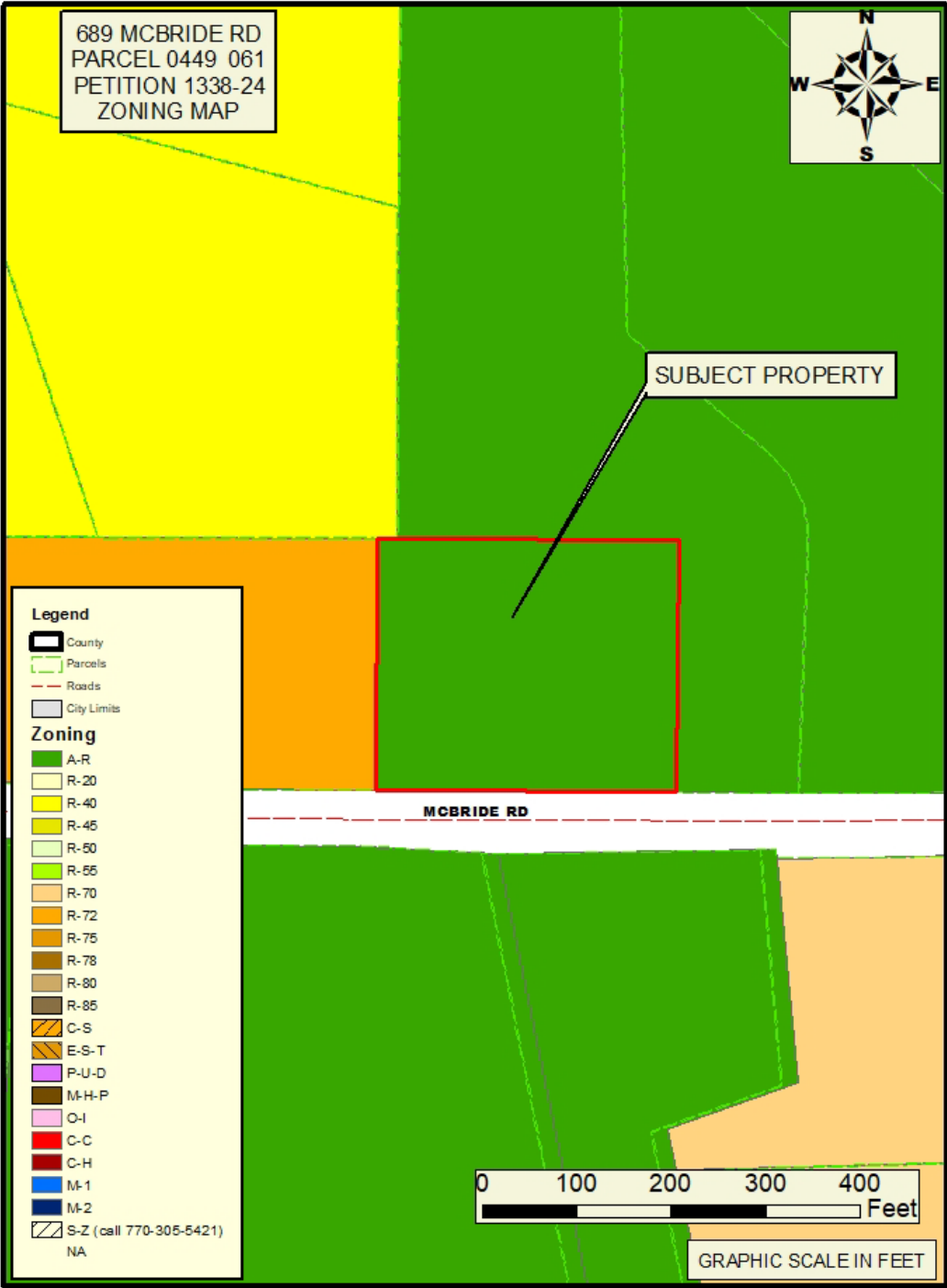
- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-72 zoning district:
 - (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter); and
 - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-72 zoning district provided that all conditions specified in article V of this chapter are met:
 - (1) Church and/or other place of worship;
 - (2) Developed residential recreational/amenity areas;
 - (3) Home occupation;

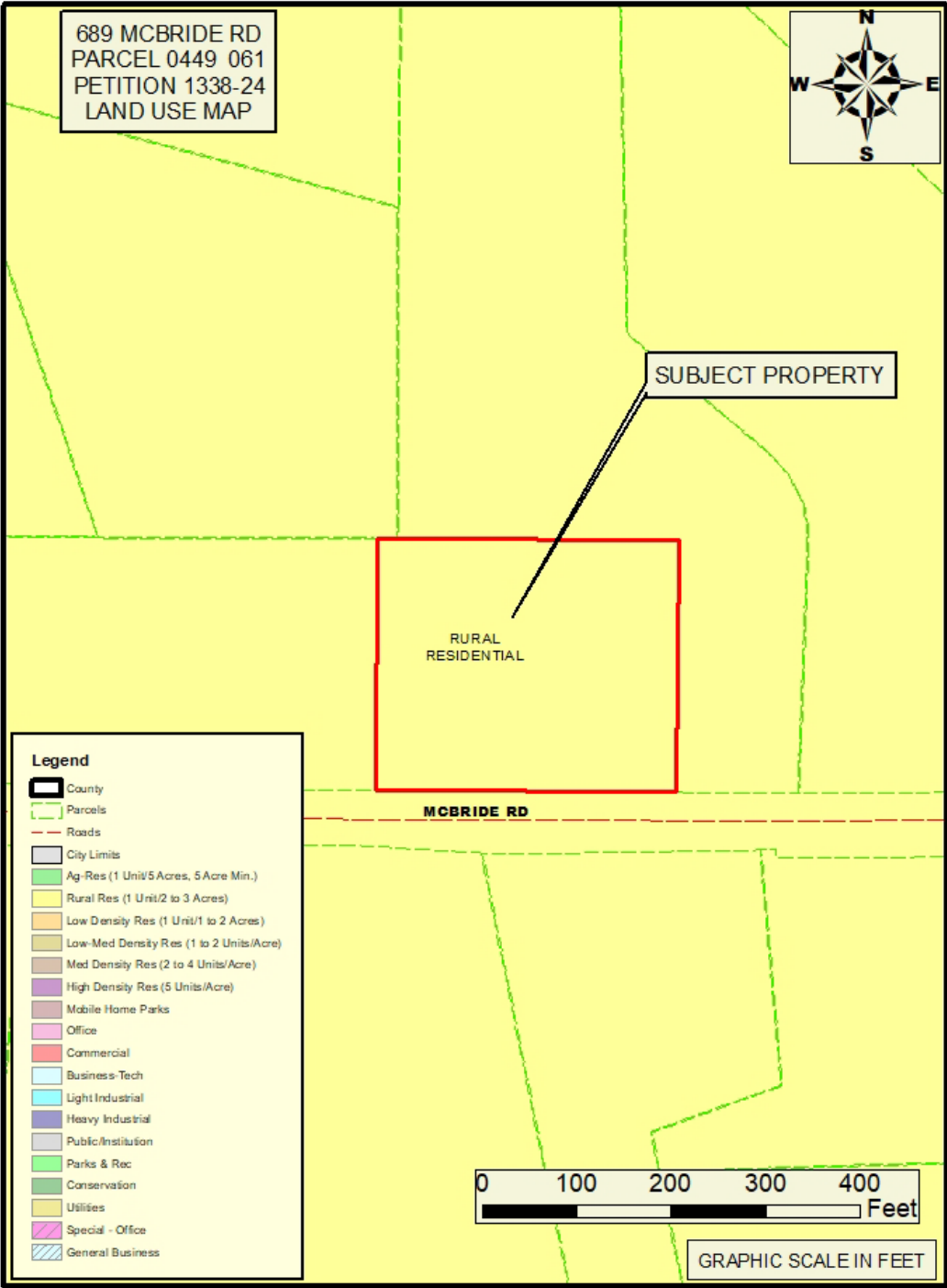
- (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-72 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 - 1. Arterial: 175 feet.
 - 2. Collector: 175 feet.
 - b. Minor thoroughfare: 150 feet.
 - (3) Floor area: 2,100 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
 - (5) Rear yard setback: 50 feet.
 - (6) Side yard setback: 25 feet.
 - (7) Height limit: 35 feet.

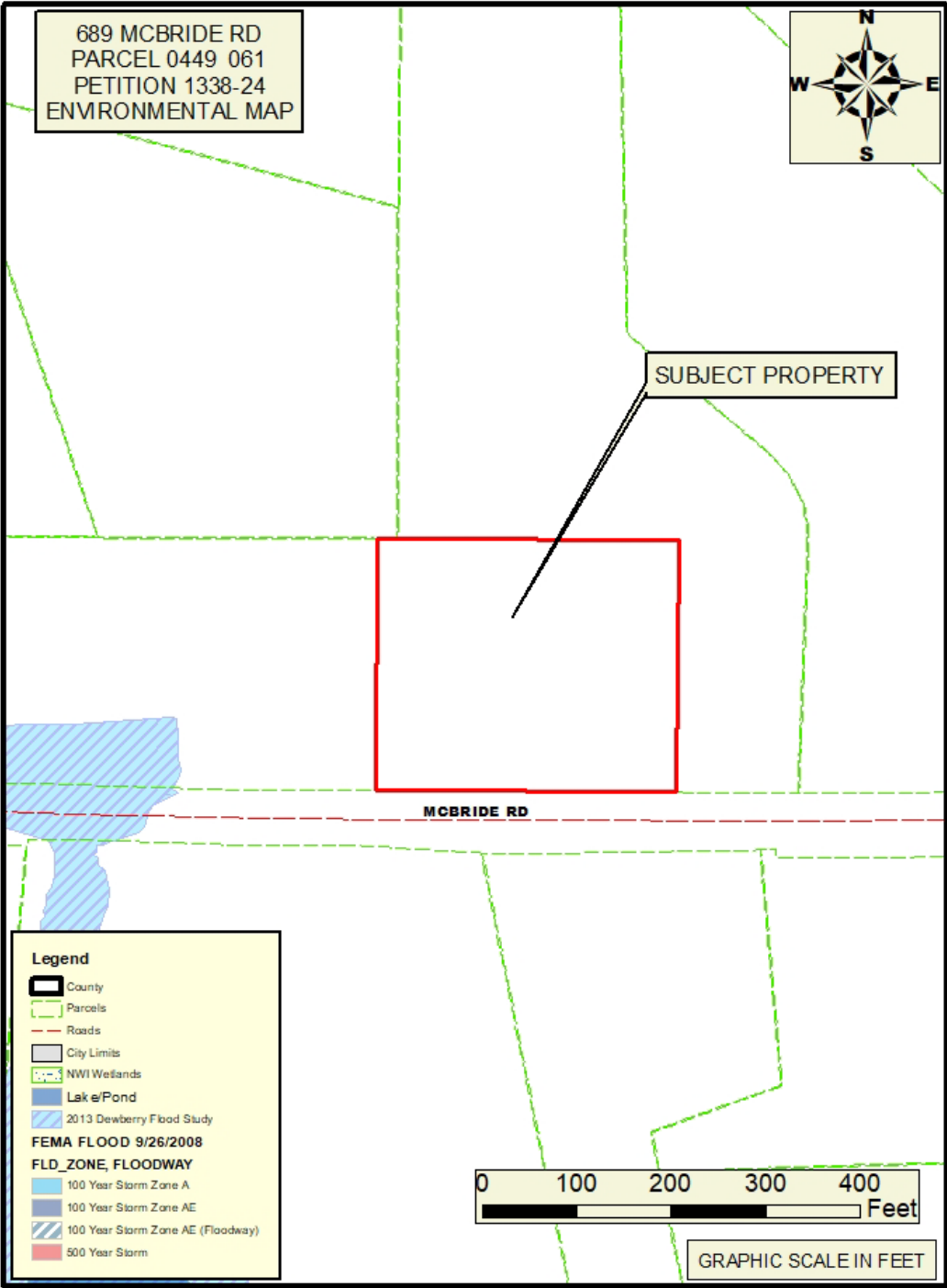
(Code 1992, § 20-6-8; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

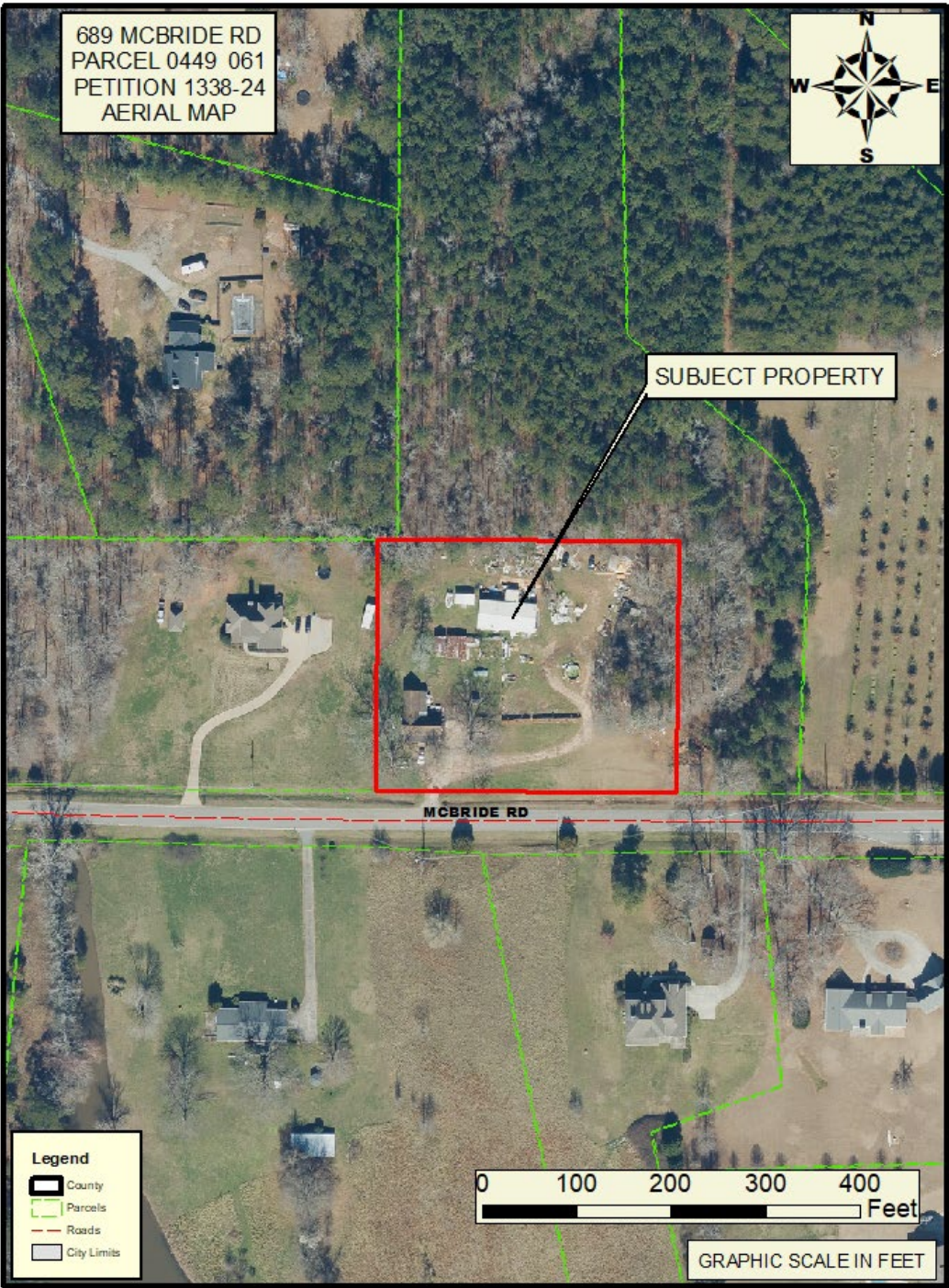
689 MCBRIDE RD
PARCEL 0449 061
PETITION 1338-24
LOCATION MAP











PETITION NO: 1339-24

REQUESTED ACTION: Rezone from R-70 to C-H

PARCEL NUMBER: 0450 090

PROPOSED USE: Highway Commercial

EXISTING USE: Vacant land zoned R-70, Single-Family Residential. The front portion of the property is paved and was previously used for ingress and egress at the U.S. Station.

LOCATION: S Highway 85

DISTRICT/LAND LOT(S): 4th District, Land Lot 252

ACREAGE: 5.000 acres

OWNERS: Thomas Crossroads, LLC

AGENT: Richard P. Lindsey

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 5.000 acres from R-70 to C-H for the purposes of extending the septic lines from the neighboring parcel to the south onto this property and possible other commercial uses.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 is designated for this area, so the request for C-H zoning is not appropriate. Based on the Investigation and Staff Analysis, Staff recommends **DENIAL** of the request for a zoning of C-H, Highway Commercial District.

If the request is approved, staff recommends the following **CONDITIONS**:

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is currently identified as Tract 2 on the Minor Subdivision Plat of U.S. Station. This property is located in the General State Route Overlay Zone.

B. REZONING HISTORY:

Reese Developers applied to rezone the property from A-R to O-I to construct an office park in 2005. The Board of Commissioners approved rezoning the property to R-70.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land. A portion of the property has been covered with asphalt for several years even though the removal of the asphalt was requested in 2005 with the rezoning and 2014 on the minor final plat.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, C-H, R-40, and R-72. See the following table and the attached Zoning Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	5.00	R-70	Undeveloped	Rural Residential – 1 unit/ 2 acres
East	2.656; 2.691; 3.861	R-40	Single Family Residential	Rural Residential – 1 unit/ 2 acres
South	2.65; 5.34; 5.19	C-H; R-70	Highway Commercial & Single Family Residential	Rural Residential – 1 unit/ 2 acres
West (across S Hwy 85)	35.60; 5.55	R-72; A-R	Whitewater Middle School & Undeveloped Land	School; Rural Residential – 1 unit/ 2 acres

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential on the Future Land Use Plan map. This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on S Highway 85. GDOT requested the two (2) northernmost existing drives be removed to allow the 350' driveway spacing requirement to be met during the 2005 rezoning.

Site Plan: The applicant submitted a survey for the property. The proposed development at this time is septic use for the commercial development under construction at 1552 S Highway 85. If septic is placed on this property, a revised site plan should be submitted.

E. DEPARTMENTAL COMMENTS

- Water System** - Water is available on the west side of S Highway 85.
- Public Works** - No objections.
 - o S Highway 85 is classified as a Major Arterial. Right of Way requirements are per GDOT. Owner has agreed to dedicate necessary right-of-way.
- Environmental Management** - No objections.
 - o Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0113E dated September 26, 2008, and the FC Flood Study.
 - o Wetlands -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - o Watershed Protection -- There ARE NO state waters located on the subject property per Fayette County GIS.
 - o Groundwater -- The property IS NOT within a groundwater recharge area.
- Environmental Health Department** - Dept. has no objections to proposed rezoning from R-70 to C-H to use the septic drain line area for the property to the south.
- Fire** - No objections to the requested rezoning.
- GDOT** - No response to this rezoning request.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request **does not** conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various uses; residential, commercial, church, and school. It is staff's opinion that rezoning the parcel for septic area would not adversely affect the existing or future uses of nearby properties, however, new development that would be allowed in C-H zoning could adversely impact nearby properties.
3. It is staff's opinion that the zoning proposal could have an excessive or burdensome impact on streets.

ZONING DISTRICT STANDARDS

Sec. 110-144. C-H, Highway Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
 - (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement or recreational facility, indoor or outdoor;
 - (3) Appliance sales, installation and/or repair;
 - (4) Armories, for meetings and training military organizations;
 - (5) Art studio;
 - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
 - (7) Bakery;
 - (8) Bank and/or financial institution;

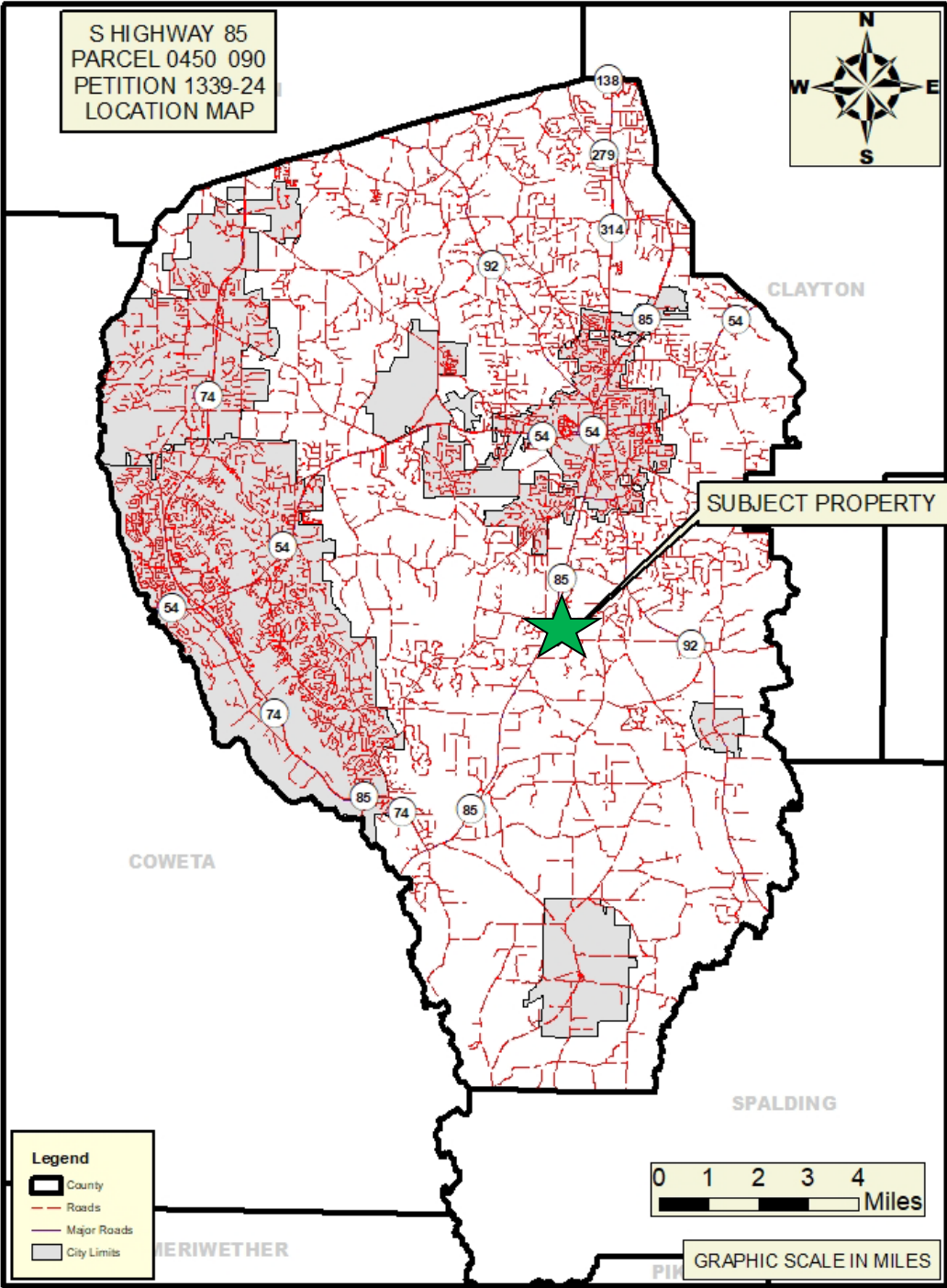
- (9) Banquet hall/event facility;
- (10) Bookbinding;
- (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
- (12) Bus passenger station (pick-up and drop-off only);
- (13) Cabinet manufacturing, sales, repair and/or installation;
- (14) Car wash and/or detailing facility;
- (15) Catering service;
- (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (17) Clothing store and/or variety store;
- (18) College and/or university, including classrooms and/or administration only;
- (19) Copy shop;
- (20) Cultural facility;
- (21) Day spa;
- (22) Department store;
- (23) Drug store;
- (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
- (25) Electronic sales and/or repair;
- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;

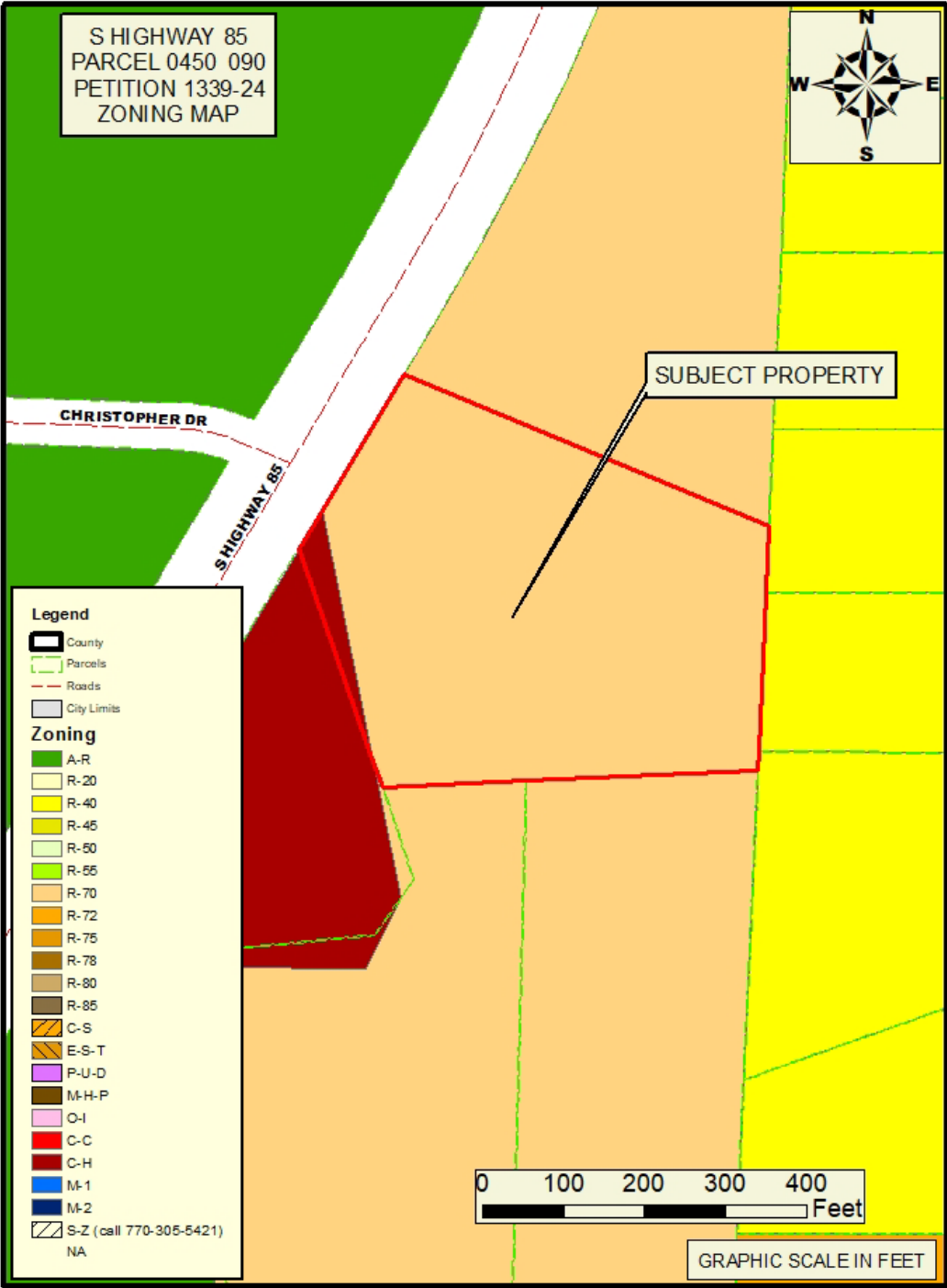
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;
- (66) Restaurant, including drive-in and/or drive-through;
- (67) Retail establishment;
- (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);

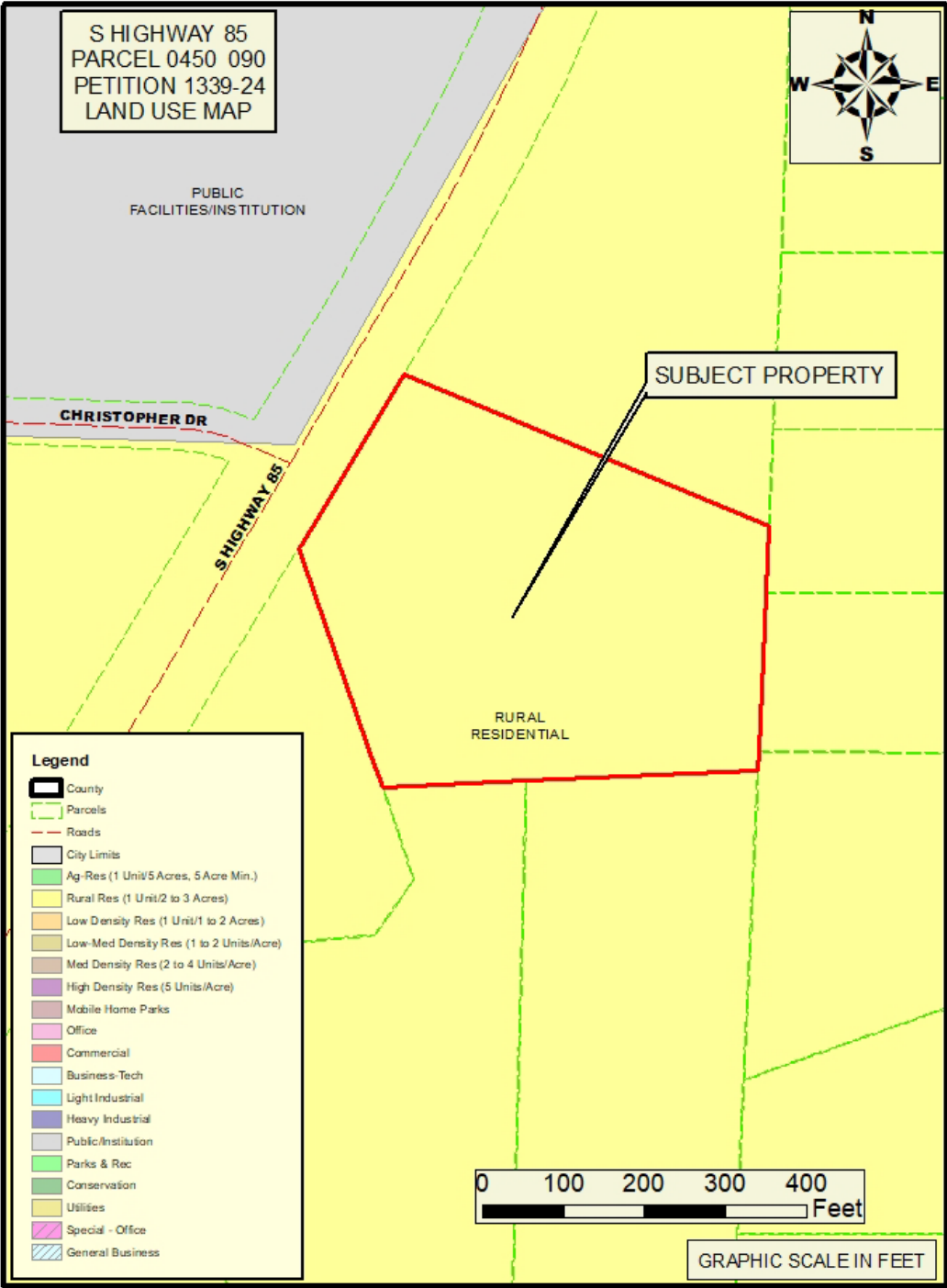
- (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;
 - (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);

- (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
 - (7) Height limit: 35 feet.
 - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

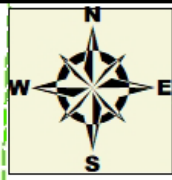
(Code 1992, § 20-6-20; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 5, 6, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 5, 6, 10-25-2018; Ord. No. 2020-02, §§ 10, 11, 5-28-2020; Ord. No. 2021-05, § 1, 3-25-2021; Ord. No. 2021-09, § 3, 5-27-2021; Ord. No. 2021-10, § 1, 5-27-2021)







S HIGHWAY 85
PARCEL 0450 090
PETITION 1339-24
ENVIRONMENTAL MAP










SUBJECT PROPERTY





CHRISTOPHER DR

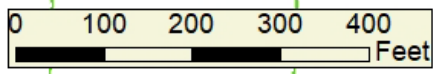
S HIGHWAY 85

Legend

-  County
-  Parcels
-  Roads
-  City Limits
-  NWI Wetlands
-  Lake/Pond
-  2013 Dewberry Flood Study

FEMA FLOOD 9/26/2008
FLD_ZONE, FLOODWAY

-  100 Year Storm Zone A
-  100 Year Storm Zone AE
-  100 Year Storm Zone AE (Floodway)
-  500 Year Storm



GRAPHIC SCALE IN FEET



PETITION NO: 1340-24

REQUESTED ACTION: Rezone from A-R to C-C

PARCEL NUMBER: 0503 036

PROPOSED USE: Convenience store with fuel pumps

EXISTING USE: Vacant land

LOCATION: Harp Road/Hwy 85 S/Old Senoia Road

DISTRICT/LAND LOT(S): 5th District, Land Lot5

ACREAGE: 4.03 acres

OWNER(S): Tommy O. Davis

AGENT: Darrell Baker

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 4.03 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 (1 unit/2 acres) is designated for this area, so the request for C-C zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of C-C, Community Commercial District. If the rezoning is approved, staff recommends the following conditions.

RECOMMENDED CONDITIONS

1. Require Right of Way dedication as needed along to meet 50 ft from centerline for Harp Road and to chamfer (20 feet along tangent legs) the corner of the intersection of Harp Road and Old Senoia Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a nonconforming lot because it does not contain the minimum required acreage for the A-R zoning district. This property is not located in an Overlay Zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-20, and R-40. See the following table and the attached Zoning Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.0	R-40	Single Family Residential	Rural Residential – 2 (1 Unit /2 acres)
East (across Hwy 85)	2.3	R-40	Single Family Residential	Rural Residential – 2 (1 Unit /2 acres)
South (across Harp Rd)	6.3	R-72	Single Family Residential	Rural Residential – 2 (1 Unit /2 acres)
West (across Old Senoia)	2.36	A-R	Single-Family Residential	Rural Residential – 2 (1 Unit /2 acres)

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential 2 on the Future Land Use Plan map. This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Harp Road.

Site Plan: The applicant submitted a survey and a conceptual site plan for the property.

E. DEPARTMENTAL COMMENTS

- Water System** - Water is available on the South side of Harp road and on the West side of Old Senoia Road.

Public Works

- Road Frontage & Right of Way Dedication
 - SR 85 is a Major Arterial roadway and the GADOT controls all entrances and exits onto the state route. Any proposed modifications to the site entrances and exits will be permitted through GADOT prior to any proposed development.
 - Old Senoia is an 80 ft ROW Collector roadway and the County already owns 40 ft. from centerline (deeded to the County in 1996 for this parcel, DB 1083 Pg 261).
 - Harp Road in a Minor Arterial roadway with a variable ROW along this parcel (deeded to the County for the Harp Rd/SR 85 intersection improvement project in 2014, per plans by Mallett Consulting, Inc 03/2014, DB 4253, Pg 146). There is a small portion of Harp Road in the SW corner of this property that does not already meet the required 50 ft. from centerline ROW.
- Traffic Data -- According to the GDOT on-line traffic data, the annual average daily traffic for State Route 85 approximately 1 mile north of the site is 14,500 vehicles per day.
- Sight Distance -- Minimum sight distances will have to be satisfied for any proposed new road intersections. GDOT will review sight distances along SR 85.

Environmental Management - No objections.

- Floodplain Management -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0113E dated September 26, 2008, and the FC Flood Study.
- 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 -- There **ARE NO** state waters located on the subject property per Fayette County GIS.
- Groundwater -- The property **IS NOT** within a groundwater recharge area.
- Post Construction Stormwater Management -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
- Landscape and Tree Replacement Plan -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- Environmental Health Department** -- This office has no objection to the rezoning. This does not constitute approval or agreeance of usable soils for septic purposes.
- Fire** -- No objections to the requested rezoning.
- GDOT** -- Not applicable, not on State Route.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal might adversely affect the existing or future uses of nearby properties. However, the possibility of whether this site is truly a desirable residential site should be considered.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-143. C-C, Community Commercial District.

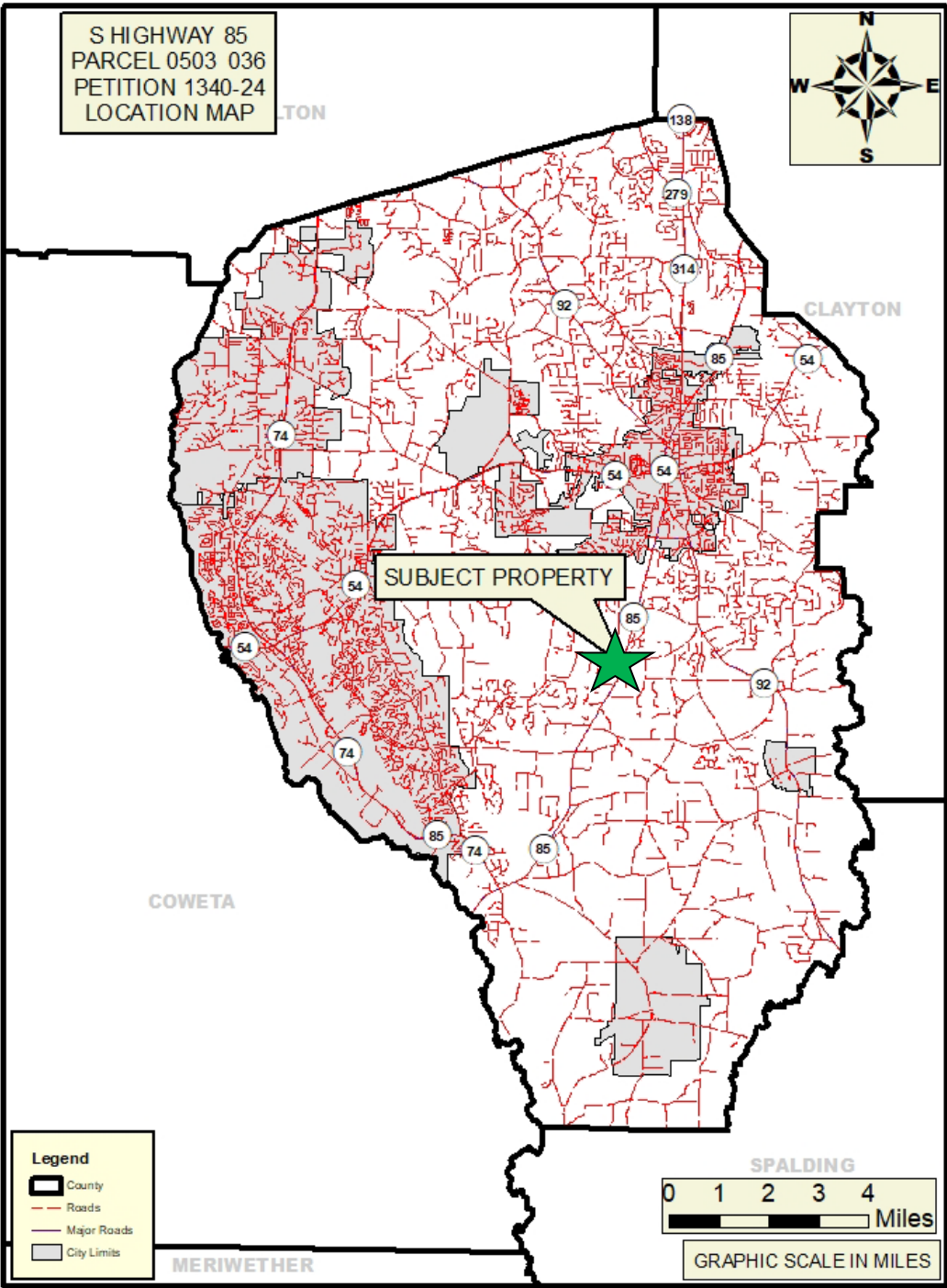
- (a) *Description of district.* This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- (b) *Permitted uses.* The following uses shall be permitted in the C-C zoning district:
 - (1) Amusement or recreational facility, indoor or outdoor (see chapter 18);
 - (2) Appliance sales and incidental repair;
 - (3) Art studio;
 - (4) Auto parts and/or tire sales and installation;
 - (5) Bakery;
 - (6) Bank and/or financial institution;
 - (7) Banquet hall/event facility;
 - (8) Catering service;

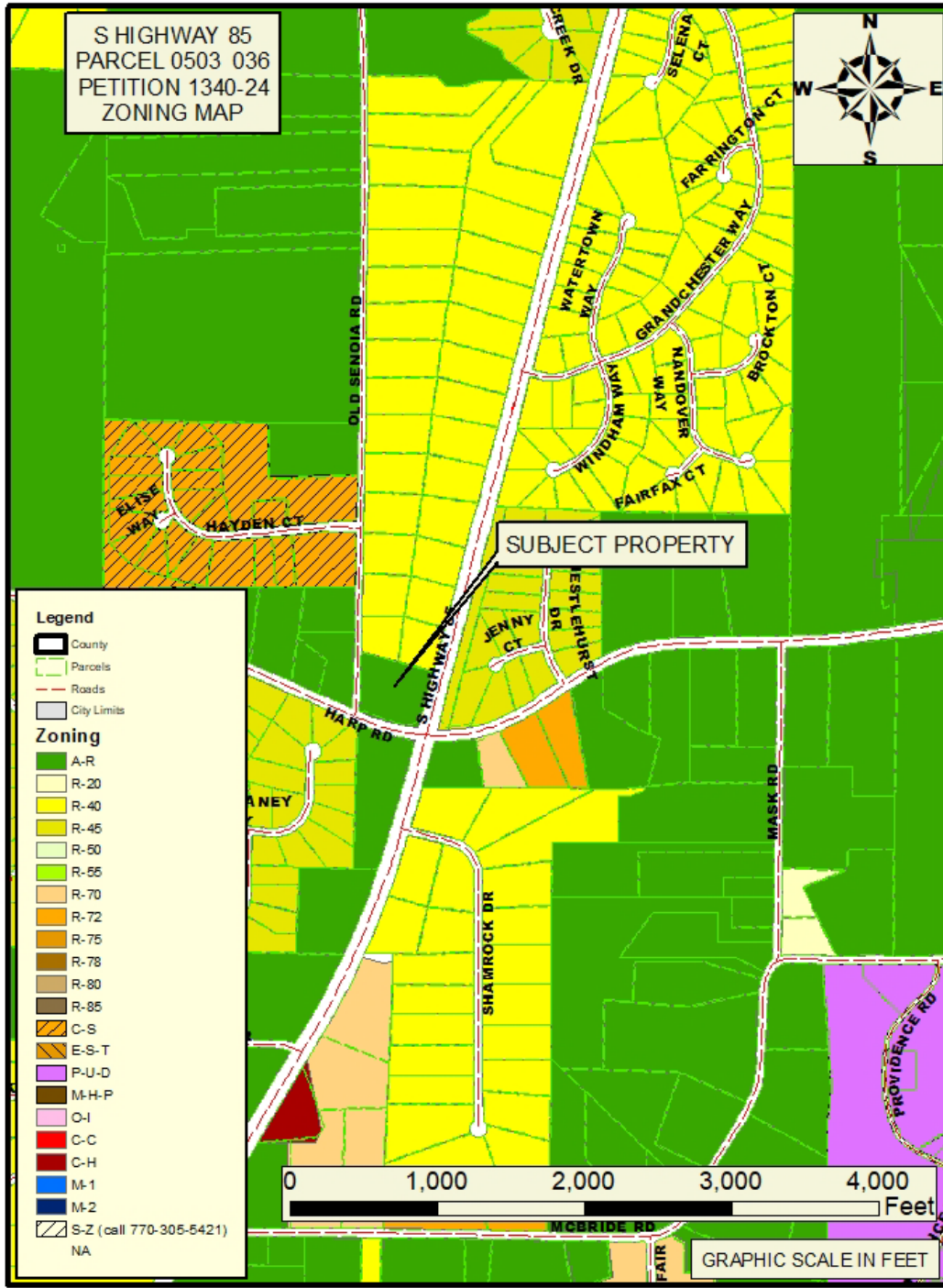
- (9) Church and/or other place of worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (10) College and/or university, including classrooms and/or administration only;
- (11) Copy shop;
- (12) Cultural facility;
- (13) Day spa;
- (14) Department store, variety store, and/or clothing store;
- (15) Drug store;
- (16) Educational/instructional/tutoring facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI school, martial arts, music, professional/business/trade, and similar facilities;
- (17) Electronic sales and incidental repair;
- (18) Emission testing facility (inside only);
- (19) Firearm sales and/or gunsmith;
- (20) Florist;
- (21) Gift shop;
- (22) Grocery store;
- (23) Hardware store;
- (24) Health club and/or fitness center;
- (25) Jewelry shop;
- (26) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (27) Library;
- (28) Medical/dental office (human treatment);
- (29) Messenger/courier service;
- (30) Military recruiting office;
- (31) Movie theatre (excluding drive-in);
- (32) Museum;
- (33) Office;
- (34) Office equipment sales and/or service;
- (35) Parking garage/lot;
- (36) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon.
- (37) Plant nursery, growing crops/garden, and related sales;
- (38) Printing, graphics, and/or reproductions;
- (39) Private clubs and/or lodges;

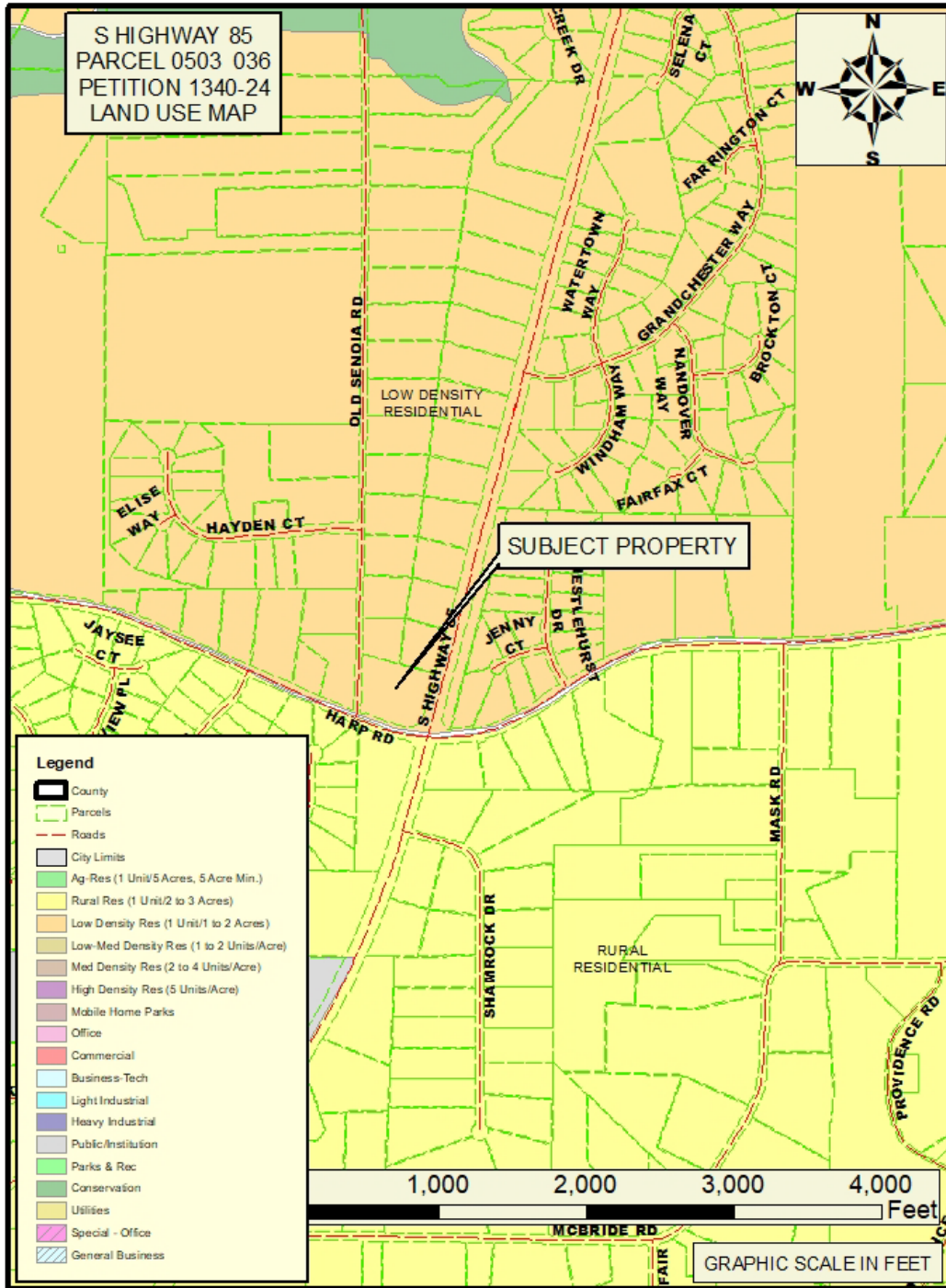
- (40) Private school, including, classrooms and/or administration only;
 - (41) Radio studio;
 - (42) Recording studio (audio and video);
 - (43) Restaurant, (including drive-in and/or drive-through);
 - (44) Retail establishment;
 - (45) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (46) Taxidermist; and
 - (47) Television/movie studio.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-C zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (3) Automobile service station, including, gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (4) Care home, convalescent center, and/or nursing home;
 - (5) Church and/or other place of worship;
 - (6) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (7) Commercial driving range and related accessories;
 - (8) Child care facility;
 - (9) Dry cleaning plant;
 - (10) Golf course (minimum 18-hole regulation) and related accessories;
 - (11) Home occupation;
 - (12) Hospital;
 - (13) Kennel (see animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic);
 - (14) Laundromat, self-service or otherwise;
 - (15) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (16) Religious tent meeting;
 - (17) Seasonal sales, outdoor;
 - (18) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and
 - (19) Temporary tent sales.
 - (20) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-C zoning district shall be as follows:

- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
- (2) Lot width: 125 feet.
- (3) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 15 feet.
- (5) Side yard setback: 15 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

(Code 1992, § 20-6-19; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, § 4, 10-25-2018; Ord. No. 2021-09, § 2, 5-27-2021)









PETITION NO: 1341-24

REQUESTED ACTION: Rezone a portion of the parcel from A-R to R-70

PARCEL NUMBER: 0707 011

PROPOSED USE: Agricultural/Recreational

EXISTING USE: Vacant Land

LOCATION: Veterans Parkway & Lees Mill Road

DISTRICT/LAND LOT(S): 5th District, Land Lots 224; 7th District, Land Lots 13, 14, 18, and 19

AREA: 10.95 Acres is the portion requested for this zoning

OWNERS: Veterans Pkwy and Lees Mill South LLC

AGENT: Jeff Collins,

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 10.95 acres, a portion of parcel 0707 011, from A-R to R-70 for the purpose of combining with an existing single-family residential lot.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential-2 (1 Unit/2 Acres) is designated for this area, so the request for R-70 zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-70, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the approval of any additional building permits, whichever comes first.

1. **INVESTIGATION**

A. GENERAL PROPERTY INFORMATION

The property is a portion of a legal lot of record. It is not located in an Overlay Zone

B. REZONING HISTORY:

This property was rezoned from A-R to R-70 in 1973 as part of a blanket rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently used for agricultural purposes.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned R-70, R-45, and C-S. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	44.73	R-70	Single-Family Residential	Rural Residential - 2 (1 Unit/2 Acres)
South & West	132.04; 13.45	R-70; R-45	Agricultural & Conservation; Single-family Residential	Rural Residential - 2 (1 Unit/2 Acres)
East	8.3 25.00	R-70 C-S & R-45	Conservation; Single-family Residential	Rural Residential - 2 (1 Unit/2 Acres)
West	24.62	R-70	Single-family Residential	Rural Residential - 2 (1 Unit/2 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential – 2 (1 Unit/2 Acres).

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The portion proposed for rezoning to R-70 does not have frontage as shown. However, the proposal includes the intent to combine with parcel 0708 067, which has frontage on Lees Mill Road.

E. DEPARTMENTAL COMMENTS

- Water System** - Water is available on Lees Mill Rd in a 16-inch ductile iron water main.
- Public Works & Environmental Management**
 - **County Road Frontage Right of Way Dedication**

Veterans Parkway is a **Minor Arterial** roadway per the Fayette County Thoroughfare Plan and requires and the Fayette County Thoroughfare Plan and requires a 100 foot right of way (50-ft from centerline). Fayette County Public Works controls access to the roadway. Proposed site access points on **Veterans Parkway** will be permitted through Fayette County. **Lees Mill Road** is a **Minor Arterial** per the Fayette County Thoroughfare Plan and requires a 100 foot right of way (50-ft from centerline). Any proposed site access points on **Lees Mill Road** will be permitted through Fayette County.
 - **Traffic Data**

According to a 2022 report from Pond Engineering the annual average daily traffic for Veterans Parkway is **8,285 vehicles per day**; the annual average daily traffic for **Lees Mill Road** per GDOT is approximately **2,300 vehicles per day** approximately 2 miles west of Veterans Parkway.

As part of the plan review and approval process, Public Works shall require a Traffic Impact Study for the proposed development.
 - **Sight Distance**

Minimum sight distances will have to be satisfied for any proposed new road intersections. Fayette County Public Works Department will review sight distances for any proposed access points to **Lees Mill Road** and **Veterans Parkway**.
 - **Floodplain Management**

The 321.34-acre request for rezoning **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008. The property **DOES** contain additional floodplain delineated in the 2013 Dewberry Limited Flood Study for Fayette County.
 - **Wetlands**

The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Proposed

development plans will be required to locate any existing wetland areas.

- **Watershed Protection**

There **ARE** known state waters located on the subject property. Watershed Protection Buffers shall apply.

- **Groundwater**

The property **IS** within a groundwater recharge area per Fayette County GIS.

- **Post Construction Stormwater Management**

This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

- **Landscape and Tree replacement Plan**

This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances if rezoned.

- Environmental Health Department** – This office has no objections to the proposed rezoning.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that if conditions are approved, the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-133. R-70, Single-Family Residential District.

- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of excessive densities and development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-70 zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter); and
 - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-70 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
 - (2) Developed residential recreational/amenity areas;
 - (3) Home occupation;
 - (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-70 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 175 feet.
 2. Collector: 175 feet.
 - b. Minor thoroughfare: 150 feet.
 - (3) Floor area: 1,500 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
 - (5) Rear yard setback: 50 feet.
 - (6) Side yard setback: 25 feet.
 - (7) Height limit: 35 feet.

(Code 1992, § 20-6-9; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

