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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Comm. Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Pete Frisina

Preferred Meeting Date: Thursday, May 22, 2008

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST Estate Residential District, to reduce the minimum house size required under Section F. Dimensional Requirements, Section 3. Floor Area as presented by the Planning & Zoning Department.

Background/History/Details:

The EST Zoning District requires a min. lot size of 2.5 acres and a min. house size of 3,000 sq. ft. Rod Wright of Peach State Land Development requested the BOC to consider reducing the min. house size from 3,000 sq. ft. to 2,000 sq. ft. At the 03/05/08 BOC Wkshop, the BOC instructed Staff to begin the review. At the 03/20/08 PC Wkshop, Mr. Wright requested a min. house size of 2,200 sq. ft. for a 1-story and 2,500 sq. ft for a 2-story. 3 spec homes in his EST S/D: 3,026, 3,065, and 3,393 sq. ft. 3 PC members wanted the sq. footage reduced to 2,500 sq. ft; 1 who concurred with Mr. Wright; and 1 who did not want to reduce the min. sq. footage. Staff agreed with the PC majority; however, Staff has no problem with establishing a 2,300 sq. ft. min for 1-story and 2,500 for 2-story. At the 04/02/08 BOC Wkshop, the BOC concurred with Staff on 2,300 square feet and instructed Staff to advertise the proposed amendment for the May Public Hearings.

What action are you seeking from the Board of Commissioners?

Final Vote

The P.C. recommended to decrease the minimum floor area from 3,000 square feet to 2,500 square feet (4-1).

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? Wednesday, April 2, 2008

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- ( ) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date May 22, 2008

( ) Recognition/ Presentation (●) Public Hearing ( ) Old Business ( ) New Business ( ) Consent ( ) Report ( ) Other

03/05/08 – Instructed by BOC to review Ordinance
03/20/08 – PC Wkshop
04/02/08 – BOC Wkshop
05/01/08 – PC Public Hearing

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

Staff's additions to the current ordinance are indicated in **bold, underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

ARTICLE VI DISTRICT USE REQUIREMENTS

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the Estate Residential Zoning District shall be as follows:

3. Floor area: ~~3,000~~ ***2,300*** square feet

The P.C. recommended 2,500 square feet (4-1).

E. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2, EST Estate Residential District, to reduce the minimum house size required under Section F. Dimensional Requirements, Section 3. Floor area as presented by the Planning and Zoning Department. This item was last discussed during the March 5, 2008 Wednesday Workshop Meeting. A copy of the request and additional material, identified as "Attachment 5", follow these minutes and are made an official part hereof.

Mr. Pete Frisina and Mr. Rod Wright, President of Peach State Land Development, Inc. discussed the proposed amendments to the Fayette County Zoning Ordinance as requested. Some discussion followed. The Board's consensus was for Planning and Zoning to advertise their intention to amend the EST Zoning classification from the current 3,000 square feet minimum requirement to a 2,300 square feet minimum requirement.

3. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST Estate Residential District, to reduce the minimum house size required under Section F. Dimensional Requirements, Section 3. Floor Area as presented by the Planning & Zoning Department.**

Dennis Dutton that Staff was instructed by the B.O.C. to review reducing the minimum floor area of the EST Zoning District after a request was made by Rod Wright. He commented that the P.C. discussed the proposed amendment at the March 20, 2008, Workshop/Public Meeting. He confirmed that on April 2, 2008, the proposed amendment was presented to the B.O.C. He stated that the B.O.C. discussed reducing the minimum floor area from 3,000 square feet to 2,300 square feet.

Mr. Dutton presented the proposed amendments as follows:

Staff's additions to the current ordinance are indicated in **bold, underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

ARTICLE VI DISTRICT USE REQUIREMENTS

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the Estate Residential Zoning District shall be as follows:

3. Floor area: ~~3,000~~ ***2,300*** square feet

Chairman Powell asked if there was any public input. Hearing none, he closed the floor from public comments.

Jim Graw presented a copy and read the following statement:

A local builder approached the Planning and Zoning Department and asked if the Planning Commission could look at reducing the minimum square footage of the homes in the EST zoning category. He stated he had built three homes and was having a difficult time selling the three due to the economy and would very probably have a hard time selling any other homes he built with a minimum of 3,000 square feet. By the way, he has the only EST residential zoning category.

I would like to remind the Planning Commission that we should not be making decisions and recommendations to the BOC based on whether a developer is or is not making a profit on his plans. While I personally want to see people succeed in their business endeavors, their profitability should not be our concern. If we were to use this criteria in our decision making process, we would probably be adjusting setbacks, minimum lot size, minimum house size and lot width every few months.

I feel it is our job though to be proactive rather than reactive and periodically review zoning categories to determine whether the criteria we established is currently appropriate when compared to other zoning categories.

With that said, in my opinion, the 3,000 square foot minimum requirement for the EST residential zoning category may not be appropriate when compared to R-78 (2 acre, 3,000 square foot minimum house size) and the R-80 (3 acre, 2500 square foot minimum). The R-78 is the top of the 2 acre category and the R-80 is the bottom of the 3 acre category. The EST is a minimum 2.5 acre lot size. Therefore, in my opinion, it would seem appropriate to slot the EST minimum house size at 2,500 square feet in order to make a consistent and logical transition from a two, to a two and one-half, to a three acre lot.

The proposed 2,300 square foot minimum house size for the EST is between R-50 and R-55, one acre zoning categories and R-72 and R-75, 2 acre zoning categories which seems to me inconsistent in relation to the house sizes and number of acres.

Currently, there are no 2,300 square foot minimum house size zoning categories. In order to be consistent with other zoning categories I propose we recommend a 2,500 square foot minimum to the BOC.

Al Gilbert concurred; however, he expressed concern about the three (3) homes which remain unsold and added that the square footage should be reduced to the least amount possible.

Tim Thoms stated that the EST zoning district is a different category of zoning and the minimum floor area of 3,000 square feet is adequate. He said, by nature, the EST zoning district should have a much larger square footage for a house for a 2.5 acre lot.

Chairman Powell noted that the EST zoning district was adopted in 1998 as a five (5) acre minimum lot with a minimum floor area of 4,000 square feet; however, no rezoning applications were submitted. He further noted that the EST zoning district was revised to a minimum lot size of 2.5 acres with a minimum floor area of 3,000 square feet with required open space/conservation area, which is consistent with the rural character of the County. He pointed out that this is a zoning district which should be maintained; however, it has not been successful at 3,000 square feet. He

concurred with reducing the minimum floor area from 3,000 square feet to 2,500 square feet. He added that this is only a minimum floor area and the floor area could be increased.

Bill Beckwith stressed that the P.C. has never considered the profitability of a builder. He said that profitability of a builder is not a criteria item to reduce the floor area. He noted that the evolving residential situation/real estate situation has to be recognized. He added that the 2,500 square foot minimum is appropriate.

Jim Graw made a motion to decrease the minimum floor area from 3,000 square feet to 2,500 square feet. Al Gilbert seconded the motion. The motion passed 4-1 with Tim Thoms voting in opposition and stating that the minimum floor area should remain at 3,000 square feet.