COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina/Dennis Dutton
Meeting Date:	Thursday, October 22, 2009	Type of Request:	Old Business

Wording for the Agenda:

Consideration of a request from Peachtree City concerning an annexation application from Southern Pines Plantation Commercial Group, LLC for an 18 acre tract located in Land Lot 18 of the 6th District shich fronts on SR 74 South near Rockaway Road.

Background/History/Details:

Peachtree City has been asked to annex this property to enable the installation of a city sewer line as a part of a regional pumping station and to add property to Meade Field Sports Complex. Also, the applicant requests that the City rezone 3.86 acres for retail and/or office use and the remaining 14.14 acres as open space, which will be donated to the City of Peachtree City for the future expansion of the Meade Field Sports Complex. A Public Hearing before the Peachtree City Planning Commission will be held on October 12, 2009. The Mayor and Council will vote on the rezoning and annexation on November 5, 2009.

Georgia Law requires that counties be notified when municipalities receive or initiate annexation requests and provides counties with an opportunity to comment. Because the law specifies a rigid time frame for this process, the Board of Commissioners needs to determine whether or not it has any opposition the the request or not at this meeting.

Staff notified the Board of Commissioners of this issue on October 7 at its Workshop and has evaluated the request. Information for the Board's consideration has been provided. No public input to the County is required. Public hearings by the City of Peachtree City will be held as indicated above.

What action are you seeking from the Board of Commissioners?

The Board needs to determine if they wish to object or not object to the annexation request.

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, October 7, 2009
Do you need audio-visual for the presentation?		Back-up Material Submitted?	Yes

STAFF USE ONLY

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

Staff Notes:

MEMORANDUM

To: Jack Smith, Chairman Board of County Commissioners

Through: Carol Chandler, Executive Assistant to County Commissioners

From: Dennis Dutton, Zoning Administrator

Date: October 9, 2009

Re: Staff Comments on Annexation Notification – City of Peachtree City
Requested by Southern Pines Plantation Commercial Group, LLC
Located at SR 74 South
Portion of Property Tax ID#: 06-03-006 (18.00 acres)

The City of Peachtree City has received a request for annexation for the above-referenced property located on SR 74 South. The purpose of the annexation is to enable the installation of a sanitary sewer line as a part of a regional pumping station and to add property to Meade Field Sports Complex. The subject property is currently vacant. The Public Hearing will be held on October 12, 2009, before the City of Peachtree City Planning Commission and on November 5, 2009, before the City of Peachtree City Council.

The annexation notice from the City of Peachtree City also indicates intent to rezone a 3.86 acre tract from A-R and C-C to General Commercial to develop Retail and/or Office Uses consisting of two (2) 10,000 square feet office buildings and to rezone a 14.14 acre tract from A-R and C-C to Open Space for the future expansion of the Meade Field Sports Complex. The Public Hearing will be held on October 12, 2009, before the City of Peachtree City Planning Commission and on November 5, 2009, before the City of Peachtree City Council.

General Description:

The subject property is located on the south side of SR 74 South. The proposed annexation would not create an island. The subject property abuts the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across SR 74 South)	6.00	O-I	Medical Office City of Peachtree City	Office
	7.00	O-I	Vacant City of Peachtree City	Office
South and East	26.28	A-R	Vacant Unincorporated County	Conservation Areas
East	26.78	C-C	Vacant Unincorporated County	Commercial and Conservation Areas
West	56.00	OS	Meade Field Sports Complex City of Peachtree City	Open Space

Current County Land Use

The subject property is designated as Conservation Areas and Commercial on the Fayette County Land Use Map and is within the General State Route Overlay District.

Proposed City Land Use

The City of Peachtree City proposes to designate this area as Commercial (3.86 acres) and Open Space (14.14 acres) on the City of Peachtree City Future Land Use Map.

Departmental Comments

Planning and Zoning – No objections.

Fire/EMS – No comment.

Loss of Fire Impact Fees – No comment.

Water System – The water service will remain with the Fayette County Water System.

Public Works/Engineering – No Public Works comments. All curb cuts would be onto State Routes or City streets (i.e. Rockaway Road).

Stormwater – Per FEMA FIRM panel 13113C0134E, the property does contain floodplain. The property does not contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per USGS Fayetteville Quadrangle, there are water bodies subject to watershed protection buffers and setbacks. The property is 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 – Sewer would be made available upon annexation of the property.

Loss of Environmental Health Fees – There would be a lose of revenue generated from permitting fees for individual sewage disposal system construction permit applications to serve the two (2) proposed office buildings. Current information would appear to indicate no potential loss of revenue from the expansion of Meade Field Sports Complex.

Sheriff's Office – No comments.

Technical Review Committee – The TRC have no major objections.

State Law

Georgia Code *O.C.G.A. § 36-36-113 (2008),* Title 36. Local Government Provisions Applicable To Municipal Corporations Only, Chapter 36. Annexation Of Territory, Article 7. Procedure For Resolving Annexation Disputes which states:

Objection to annexation; grounds and procedures

(a) The county governing authority may by majority vote object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

(1) The proposed change in zoning or land use;

(2) Proposed increase in density; and

(3) Infrastructure demands related to the proposed change in zoning or land use.

(b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.

(c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.

(d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

(1) Result in:

(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Conclusion – In conclusion, Staff has no objections to the annexation request.

STAFF REPORTS

Report on Requests from the City of Peachtree City concerning Reaffirmation of Annexation for 800 Acres, Deannexation of 1.17 Acres, and Annexation of 18 Acres : Director of Zoning Dennis Dutton reported that the County has once again received a request for reaffirmation of annexation for two properties in Peachtree City that total over 800 acres. He stated staff's recommendation is that the County does not need to take any action based on the last time the same request was submitted by Peachtree City and discussed by the Board of Commissioners as reflected in the February 4, 2009 Minutes. He further concluded no action was required from the Board since the annexation and rezoning had already occurred as of May 3, 2007.

Mr. Dutton informed the Board a second request was submitted by Peachtree City which would need to be addressed at the October 22, 2009 Board of Commissioners meeting, and he explained the request was for deannexation of 1.17 acres, or a ten-foot strip, which extends from Peachtree City to the Coweta County line. He said the request was apparently prompted as a response from Peachtree City due to litigation from Peachtree City citizens. Discussion followed regarding the deannexation request during which Commissioner Maxwell asked for a copy of the request from Peachtree City. Chairman Smith asked Mr. Dutton to send the requests, maps, and other relevant information to the Board prior to the October 22, 2009 Board of Commissioners meeting.

In conclusion, Mr. Dutton reported the county had received notification from Peachtree City that Southern Pines Plantation has applied for the annexation of an 18 acre tract located on S.R. 74 near Redwine and Rockaway Roads. He anticipated staff's reports regarding the annexation request would be provided to the Board by Friday, October 9, 2009 along with comments from other departments. Discussion followed. The Board directed the request to be placed on the October 22, 2009 Agenda. The Board took no action on any of the requests which were presented.