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 for de-annexation from Brent West Village, LLC for a 1.17 acre tract currently located within the city limits of Peachtree City. This property is located in Land Lots 166, 167, 182, 183, and 184 of the 7th District.

Background/History/Details:

The subject property is located at the extreme northern boundary of Wilksmoor Village. It was a part of the original annexation consisting of 403.093 acres, which was annexed into the city limits of Peachtree City on May 3, 2007, and rezoned to LUR-14 Limited-Use Residential by the City. 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. This site is generally off Senoia Road near the boundary between Tyrone and Peachtree City.

On October 7, 2009, the County's Technical Review Committee reviewed the proposal and stated no objections.

On October 7, 2009, at the Board of Commissioners Workshop, Staff advised that the de-annexation request would be presented at the October 22 meeting for the Board's consideration.

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 Request for de-annexation. State Law requires the adoption of a Resolution by the governing authority of the County in which such property is located, consenting to such de-annexation.

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 Request to De-Annexation Notification – City of Peachtree City
Requested by Brent West Village, LLC
Land Lots 166, 167, 182, 183, and 184 of the 7th District

The City of Peachtree City has received a Request for De-annexation for the above-referenced property. The subject property consists of a ten (10) foot wide strip located at the extreme northern boundary of Wilksmoor Village, consisting of 403.093 acres, which was annexed into the city limits of Peachtree City from unincorporated Fayette County on May 3, 2007. The property is currently zoned LUR-14 Limited-Use Residential.

The applicant applies pursuant to State Law (O.C.G.A. 36-36-22) which states:

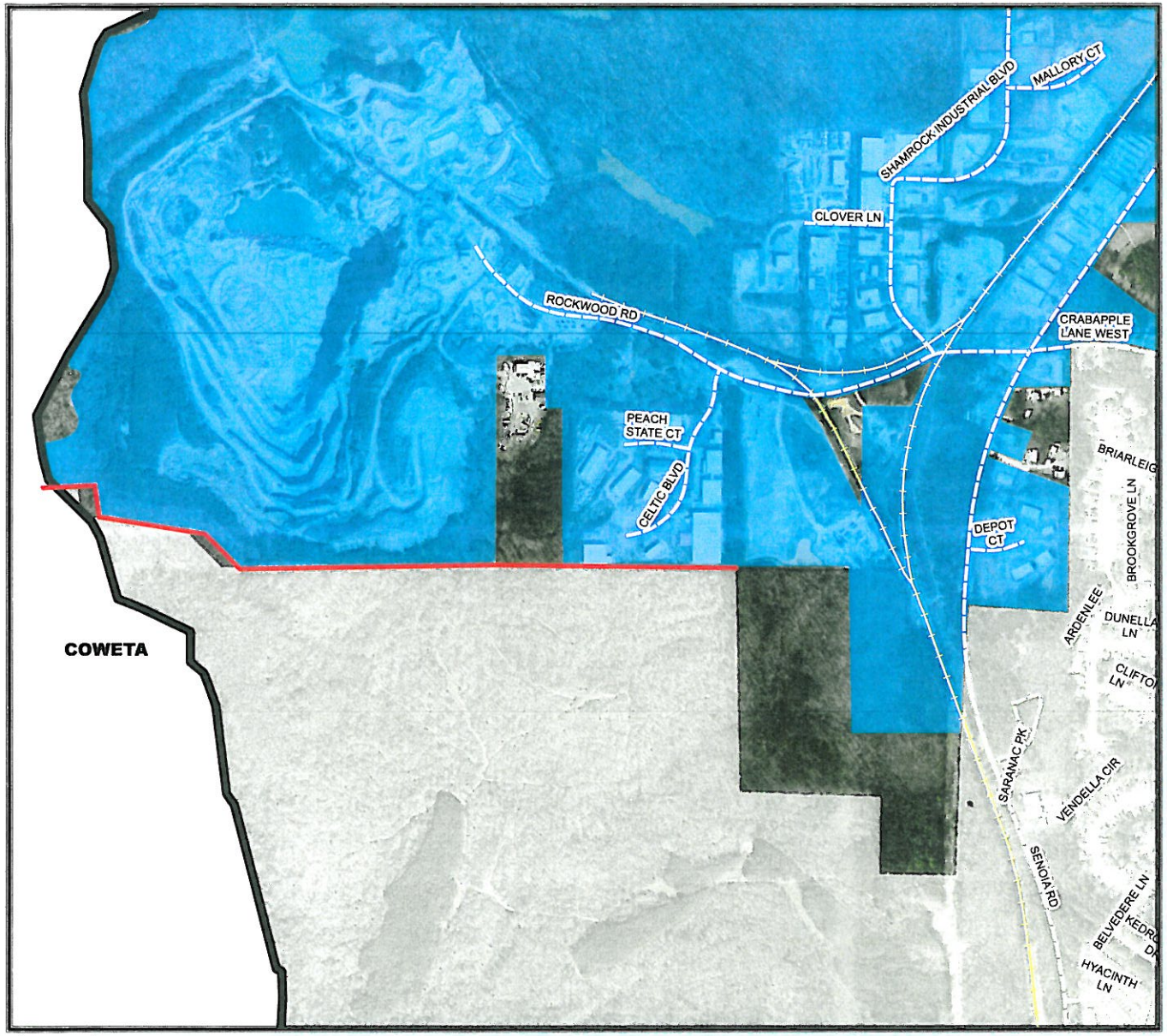
Authority is granted to the governing bodies of the several municipal corporations of this state to de-annex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right-of-way, proposed to be de-annexed, containing a complete description of the lands to be de-annexed and the adoption of a Resolution by the governing authority of the county in which such property is located consenting to such de-annexation. Lands to be de-annexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, de-annexed from the municipal corporation, an identification of the property so de-annexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so de-annexed, such lands shall cease to constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

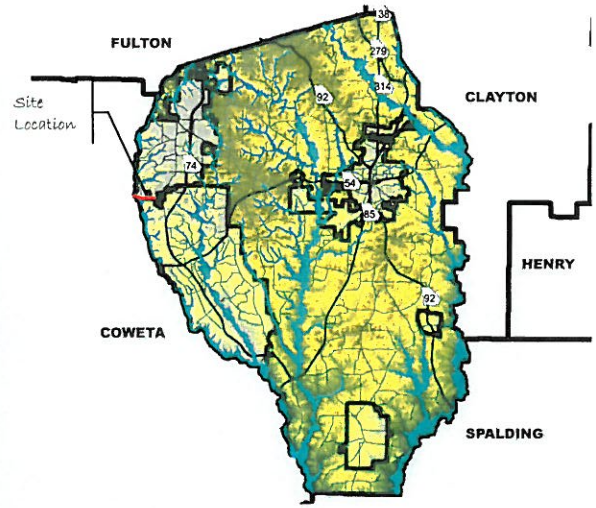
On October 7, 2009, the Technical Review Committee (TRC) held a meeting and reviewed the proposed de-annexation request. The TRC had no major objections.

On October 7, 2009, the Planning & Zoning Staff presented the proposed request at the Board of Commissioners' Workshop and explained that the de-annexation of the ten (10) foot strip would assist the City of Peachtree City with pending litigation concerning the aforementioned annexation. The Board of Commissioners expressed concerns about public safety in regards to accessing the subject property and requested a map indicating the location of the ten (10) foot strip, adjacent properties, streets, and public access.

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 Request for De-Annexation will be heard by the Board of Commissioners on October 22, 2009. In order for the City of Peachtree City to de-annex the subject property per State Law, the Board of Commissioners must adopt a Resolution consenting to the de-annexation. Should the Board of Commissioners consent to the de-annexation and the subject property be de-annexed, the property will have no zoning district and be indicated as Unclassified. The Board of Commissioners will need to determine whether to initiate rezoning the property back to its original zoning district (A-R) or leave the property as Unclassified.





DE-ANNEXATION LOCATION

LEGEND

RAILROAD

ROADS

CITY

PEACHTREE CITY

TYRONE

De-Annexation

Fayette County GEORGIA

1 inch = 700 feet

Prepared By Fayette County Stormwater