COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, February 28, 2013	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1226-13, Pauline D. Boyd, Owner, and James Babb, Agent, request to rezone property from A-R: Agriculture-Residential to R-70: Single-Family Residential District to develop one (1) single-family dwelling lot. This property consists of 2.17 acres located in Land Lot 19 of the 9th District and fronts on Barsi Point.

Background/History/Details:

Staff recommends approval of rezoning Petition 1226-13 with one condition.

The Planning Commission recommends approval of rezoning Petition 1226-13 with one condition.

The recommended condition is:

The owner/developer shall dedicate, at no cost to Fayette County, via quit claim deed, thirty (30) feet of right-of-way as measured from the centerline of Barsi Point prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.)

What action are you seeking from the Board of Commissioners?

Approve Petition No. 1226-13, Pauline D. Boyd, Owner, and James Babb, Agent, request to rezone property from A-R: Agriculture-Residential to R-70: Single-Family Residential District to develop one (1) single-family dwelling lot, with said property consisting of 2.17 acres located in Land Lot 19 of the 9th District and fronting on Barsi Point, with one condition as recommended by staff and the Planning Commission.

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1226-13

APPLICANT: Pauline D. Boyd
1104 Kenilworth Rd.
Tallahassee, FL 32312

STAFF RECOMMENDATION:

PLANNING COMMISSION HEARING: February 7, 2013

PLANNING COMMISSION RECOMMENDATION:

BOARD OF COMMISSIONERS HEARING: February 28, 2013

COMMISSION DECISION: _____

REQUEST: Request to rezone 2.17 from A-R to R-70 to develop a Single-Family Residential.

PARCEL SIZE: 2.17

EXISTING USE: Undeveloped

PROPOSED USE: Single-Family Residential

LOCATION: Land Lot 19 of the 9th District and fronts on Barsi Point

ZONING OF SURROUNDING PROPERTY: A-R

LAND USE PATTERN: Low Density Residential (1 Unit/1 to 2 Acres)

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Tim Thoms made a motion to approve the petition with one (1) condition. Bill Beckwith seconded the motion. The motion passed unanimously 5-0.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

PLANNING COMMISSION RECOMMENDATION

DATE: February 7, 2013

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1226-13, the application of Pauline D. Boyd to rezone 2.17 from A-R to R-70, be:

5-0

___✓___ Approved _____ Withdrawn _____ Disapproved

_____Tabled until _____

This is forwarded to you for final action.

AL GILBERT, CHAIRMAN

JIM GRAW, VICE-CHAIRMAN

BILL BECKWITH

DOUG POWELL

TIM THOMS

Remarks:

PUBLIC HEARING

2. **Consideration of Petition No. 1226-13, Pauline D. Boyd, Owner, and James Babb, Agent, request to rezone property from A-R: Agriculture-Residential to R-70: Single-Family Residential District to develop one (1) single-family dwelling lot. This property consists of 2.17 acres located in Land Lot 19 of the 9th District and fronts on Barsi Point.**

James Babb stated that he was Pauline Boyd's son and agent for the rezoning and that she resides in Tallahassee Florida. He said the intent is to rezone the property to R-70 for a two (2) acre lot that will be given to his son, Pauline's grandson. Brian Babb introduced himself to the Planning Commission stating that he would be the recipient of the lot and asked that the rezoning be given favorable consideration.

Chairman Gilbert asked if anyone would like to speak in support of the petition, hearing none, he asked if anyone would like to speak in opposition of the petition, hearing none, he stated that he will bring the item back to the board.

Doug Powell stated that he initially thought this was an existing non-conforming two (2) acre A-R lot. He added that the Planning and Zoning Department had cleared up that it was not an existing

non-conforming A-R lot, but it will be a new two (2) acre R-70 lot. This request meets the land use plan all of the zoning requirements. He said there is one (1) unit per two (2) acres. He added there is one (1) recommended condition.

Chairman Gilbert asked Doug Powell to read the condition.

Doug Powell read the conditions as follows:

> The owner/developer shall dedicate, at no cost to Fayette County, via quit claim deed, thirty (30) feet of right-of-way as measured from the centerline of Barsi Point prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Chairman Gilbert asked if the petitioner agreed with the condition.

Mr. Babb stated they agreed with the condition.

Tim Thoms made a motion to approve the petition with one (1) condition. Bill Beckwith seconded the motion. The motion passed unanimously 5-0.

To: Fayette County Planning Commission

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: January 25, 2013

Subject: Planning Commission Public Hearing, February 7, 2013
Board of Commission Public Hearing, February 23, 2013

The attached report is submitted for you consideration and contains the Staff's Recommendation on the rezoning applications scheduled for public hearing on February 7, 2013.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION
1-1	**1226-12**	**Barsi Point/ A-R to R-70 to develop one (1) Single-Family Residential lot on 2.17 acres**	**APPROVE R-70 WITH ONE (1) RECOMMENDED CONDITION**
2-1	**1227-12**	**SR 138/ R-40 to G-B for a Movie and TV Production Studio**	**APPROVE G-B WITH ONE (1) RECOMMENDED CONDITION**

DSD

cc: Dennis A. Davenport, Acting County Attorney
Peter A. Frisina, Director of Planning & Zoning
Dennis S. Dutton, Zoning Administrator/PC Secretary

PETITION NO: 1226-13

REQUESTED ACTION: A-R to R-70

PROPOSED USE: Single-Family Residential

EXISTING USE: Undeveloped

LOCATION: Barsi Point

DISTRICT/LAND LOT(S): 9th District, Land Lot(s) 19

OWNER: Pauline D. Boyd

APPLICANT: James P. Babb

PLANNING COMMISSION PUBLIC HEARING: February 7, 2013

BOARD OF COMMISSIONERS PUBLIC HEARING: February 28, 2013

APPLICANT'S INTENT

Applicant proposes to develop one (1) Single-Family Residential lot on 2.17 acres.

STAFF RECOMMENDATION

APPROVAL WITH ONE (1) CONDITION

INVESTIGATION

A. PROPERTY SITE

The subject property is a 2.17 acre tract fronting on Barsi Point in Land Lot(s) 19 of the 9th District. Barsi Point is classified as a County Local road on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned A-R.

B. SURROUNDING ZONING AND USES

The general situation is a 2.17 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North& West	20.70 (parent tract)	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 to 2 Acres)
South	8.30	A-R	Church	Low Density Residential (1 Unit/1 to 2 Acres
East (across Barsi Point)	25.20	A-R	Cell Tower	Low Density Residential (1 Unit/1 to 2 Acres

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-70 for the purpose of developing one (1) Single-Family Residential lot.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-70 (proposed zoning district)	F - 75 ' Arterial F - 75" Collector F - 50 ' Minor S - 25 ' R - 50 '	2 Acres	1,500 sq ft	175 ' Arterial 175 ' Collector 150 ' Minor	N/A
A-R (existing zoning district)	F - 100 ' Arterial F - 100 ' Collector F - 75 ' Local S - 50' R - 75'	5 Acres	1,200 sq ft	250' Arterial 250' Collector 250 ' Minor	N/A

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the subject property, a Minor Subdivision Plat must be approved and recorded at the Clerk of Superior Court per the Fayette County Subdivision Regulations.

Right-of-Way Requirements

As per the Fayette County Subdivision Regulations, Section 6-5.13 Additional Right-of-Way and the Fayette County Development Regulations, Section 8-48. Minimum Right-of-Way Widths and Dedication Requirements should a proposed subdivision adjoin an existing street, the developer shall dedicate additional right-of-way to meet one-half the minimum right-of-way requirement for the applicable functional classification as indicated on the Fayette County Thoroughfare Plan of the adjoining street. Barsi Point is classified as a County Local road on the Fayette County Thoroughfare Plan and requires a total of 60 feet of right-of-way, 30 feet of right-of-way, as measured from the centerline of the road.

E. TRAFFIC AND TRIP GENERATION

Per the Institute of Transportation Engineers' "Trip Generation, 7th edition", the average trip generation of a single family residential unit is 9.57 trips per day on weekdays, 10.09 trips per day on Saturday, and 8.78 trips per day on Sunday, based on trip generation rates provided. It is proposed that the subject property will consist of a total of one (1)

single-family dwelling lot. Using the average daily trips for a weekday per dwelling lot, there would be an average trip generation of 10 (+/-) per day (one (1) single-family dwelling lot x 9.57 = 9.57 trips). On Saturday there would be an average trip generation per day of 10 (+/-) (one (1) single-family dwelling lot x 10.09 = 10.09 trips) and on Sunday the trip generation average per day would be nine (9) (+/-) (one (1) single-family dwelling lot x 8.78 = 8.78 trips).

F. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

G. DEPARTMENTAL COMMENTS

Water System

No water.

Engineering/Public Works

Public Works/Engineering offers the following comments for consideration by the applicant as they plan and budget for development.

1. Right-of-Way Dedication – Barsi Road is a gravel road. There are no current plans to pave this road, nonetheless, a dedication of 30-ft from centerline is requested as part of the subdivision and rezoning process. This should be shown on the final plat.

Stormwater

Floodplain: Per FEMA FIRM panel 13113C0019E, the property **DOES NOT** contain floodplain.

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: Per the Fayette County GIS and site visits, there are **NO** water bodies subject to the county watershed protection ordinance.

Groundwater Recharge Area: 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). Any hazardous or toxic materials stored on this property must be contained by a spill and leak collection system.

Environmental Health Department

Our department has no comment regarding the rezoning request. A level 3 soil survey, floor plan, site plan and fee must be submitted when making application for an on-site individual sewage system construction permit with this department.

Fire and EMS

The Bureau of Fire Prevention will neither approve nor deny requests that fall outside the scope of I.S.O. requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-70 for the purpose of developing one (1) Single-Family Residential lot. Per Section 11-11 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 to 2 Acres). 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.

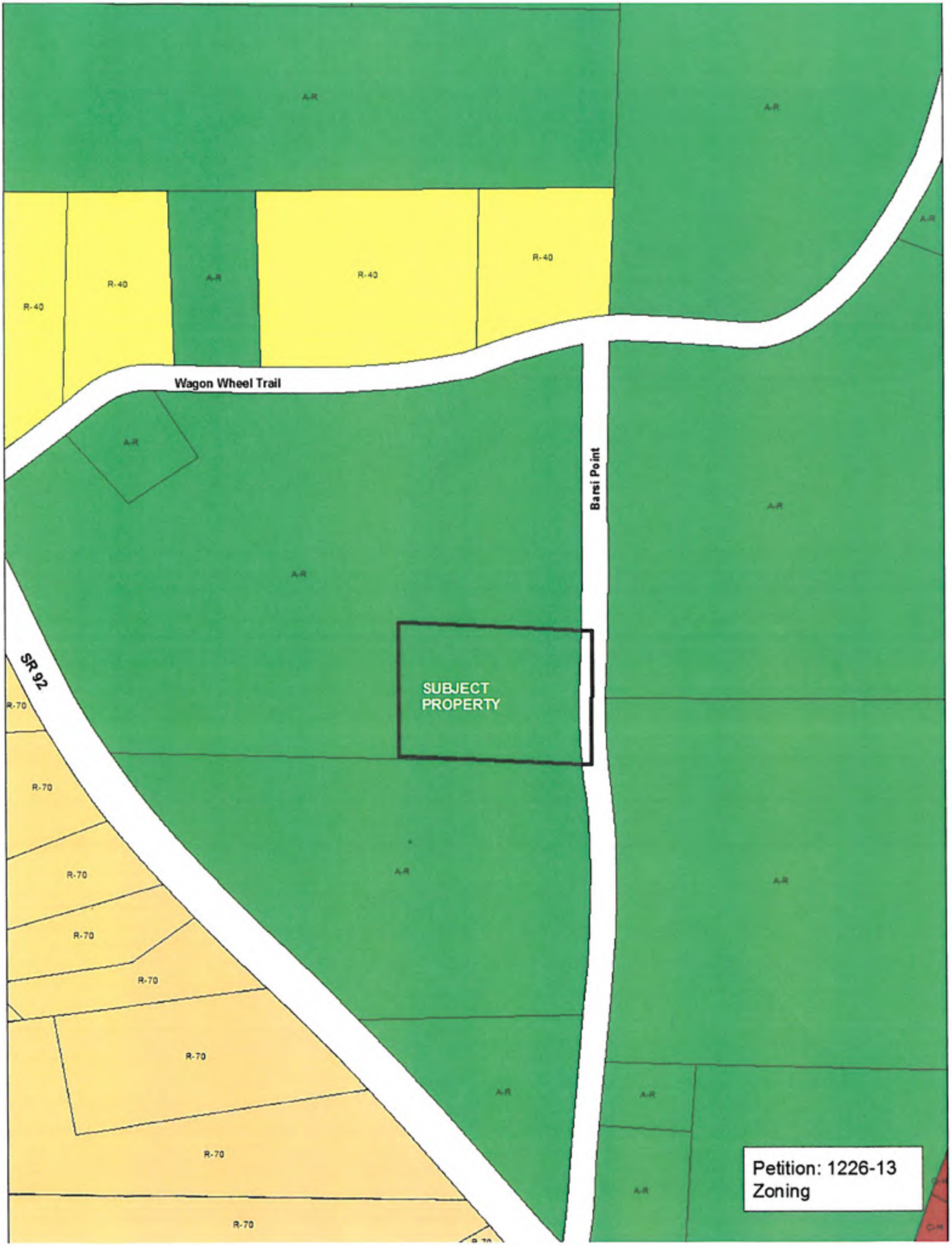
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH ONE (1) CONDITION.**

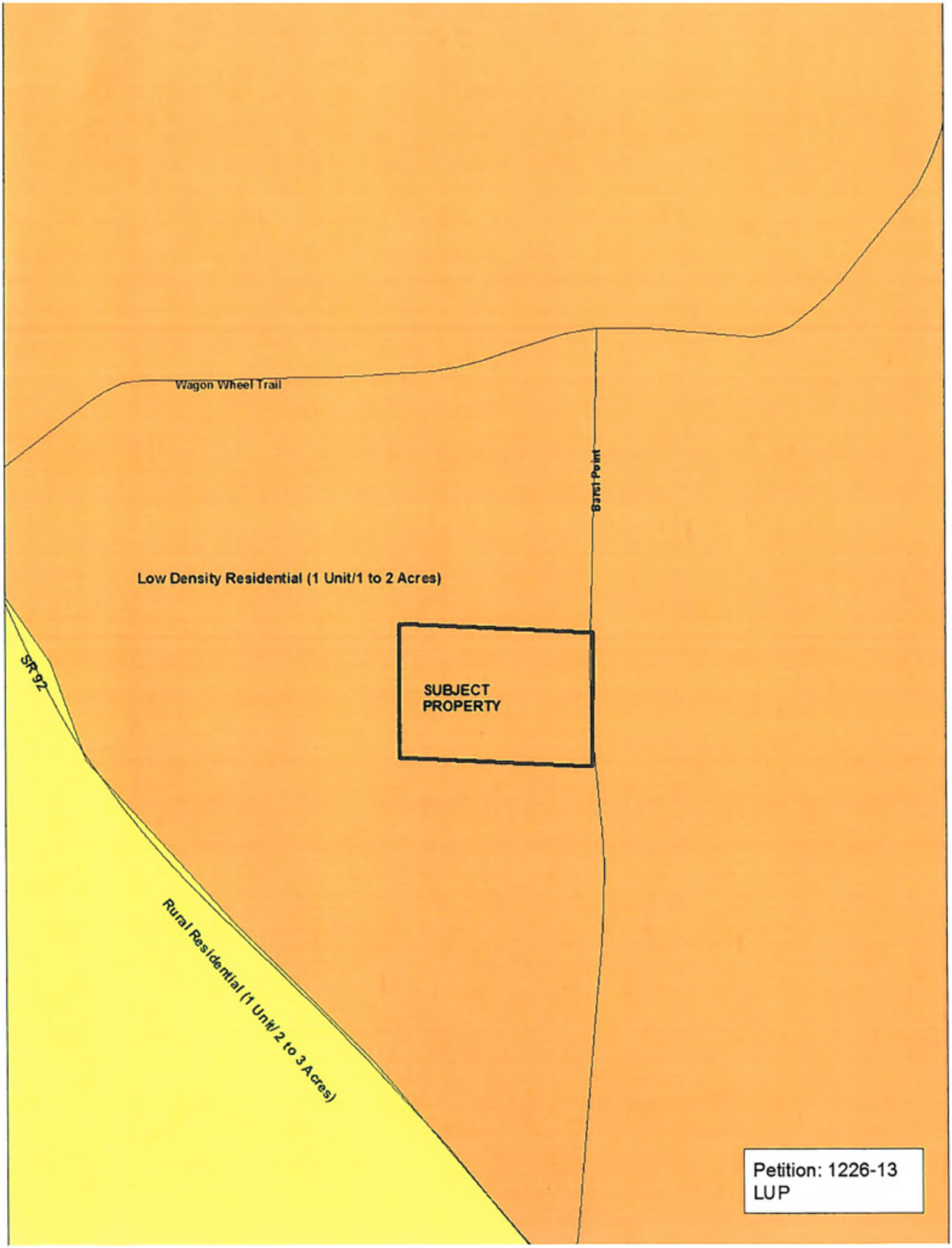
RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-70 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall dedicate, at no cost to Fayette County, via quit claim deed, thirty (30) feet of right-of-way as measured from the centerline of Barsi Point prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Petition: 1226-13
Zoning


A-R
R-40
R-70
Wagon Wheel Trail
Barsi Point
SR 92
SUBJECT PROPERTY
Petition: 1226-13
Zoning


Wagon Wheel Trail
Barst Point
Low Density Residential (1 Unit/1 to 2 Acres)
SR 92
SUBJECT PROPERTY
Rural Residential (1 Unit/ 2 to 3 Acres)
Petition: 1226-13
LUP

LEGEND

Fayette County GEORGIA

1 inch = 200 feet

- City Limits
- Streams
- NWI Wetlands
- Ground Water Recharge Areas
- 500 Year Storm
- 100 Year Storm Zone A
- 100 Year Storm Zone AE
- 100 Year Storm Zone AE (Floodway)

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded Warranty Deed for the subject property:

Pauline D. Boyd

Please Print Names

Property Tax Identification Number(s) of Subject Property: [redacted]

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 19 of the 9th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to James P. Babb to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Pauline D. Boyd **Signature of Property Owner 1**	M. A. Taff Collette **Signature of Notary Public**
Address	10-16-2012 **Date**
Signature of Property Owner 2	**Signature of Notary Public**
Address	**Date**
Signature of Property Owner 3	**Signature of Notary Public**
Address	**Date**
James P. Babb **Signature of Authorized Agent**	Deborah M. Sims **Signature of Notary Public**
Address	12/6/2012 **Date**

M. A. TAFF COLLETTE
Commission # DD 905940
Expires July 9, 2013
Bonded Thru Troy Fain Insurance 800-385-7019

DEBORAH M SIMS
NOTARY PUBLIC
COWETA COUNTY, GEORGIA
MY COMMISSION EXPIRES JANUARY 5, 2015

NAME: James P. Babb PETITION NUMBER: 1226-13

ADDRESS: 144 Lassetter Rd. Sharpsburg, GA 30277

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

James P. Babb affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) A-R Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-70.

This property includes: (check one of the following)

[✓] See attached legal description on recorded Warranty Deed for subject property or

[ ] Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 7th day of February, 2013 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 28th day of February, 2013 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 6th DAY OF December, 2012

Deborah M Sims
NOTARY PUBLIC

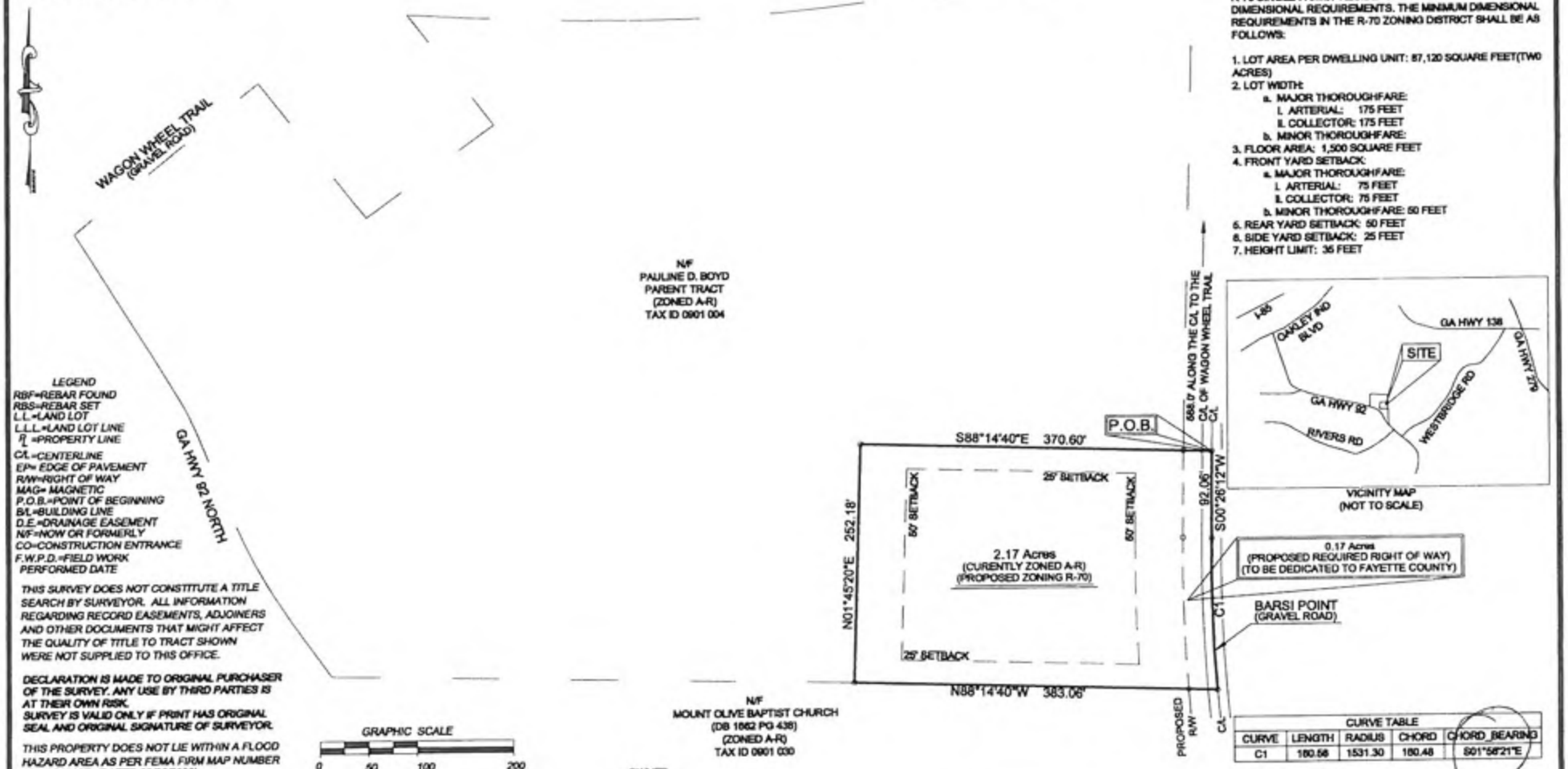
DEBORAH M SIMS
MY COMMISSION EXPIRES
NOTARY PUBLIC
JANUARY 5, 2015
COWETA COUNTY, GEORGIA

James P. Babb
APPLICANT'S SIGNATURE

REZONING PLAT

CLOSURE DATA

FIELD CLOSURE=1'IN 10,000+
ANGLE POINT ERROR=< 20"
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1'IN 100,000+
EQUIPMENT USED=E.D.M. & THEODOLITE



LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P/L =PROPERTY LINE
C/L=CENTERLINE
EP= EDGE OF PAVEMENT
R/W=RIGHT OF WAY
MAG= MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
CO=CONSTRUCTION ENTRANCE
F.W.P.D.=FIELD WORK PERFORMED DATE

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS PER FEMA FIRM MAP NUMBER 13113C0019E. (DATED 09/26/2008)

ZONING REQUIREMENTS:
R-70 SINGLE FAMILY RESIDENTIAL DISTRICT 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:
      I. ARTERIAL: 175 FEET
      II. COLLECTOR: 175 FEET
   b. MINOR THOROUGHFARE:
3. FLOOR AREA: 1,500 SQUARE FEET
4. FRONT YARD SETBACK:
   a. MAJOR THOROUGHFARE:
      I. ARTERIAL: 75 FEET
      II. 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

VICINITY MAP
(NOT TO SCALE)

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	180.56	1531.30	180.48	S01°58'21"E

OWNER
BRIAN BABB
119 GRANT ROAD
FAYETTEVILLE, GA 30215
678-618-0362

Prepared For:	BRIAN BABB		
District:	9TH	Reference:	
Land Lot:	19	Date:	11/07/12
County:	FAYETTE, GA	F.W.P.D.	10/29/12
Scale:	1" = 100'	Job No:	SA12-0129

S.A. GASKINS
& ASSOCIATES, LLC
surveyors ~ planners ~ development consultants
770-460-9342 660 Poplar Drive Brooks, Ga. 30205

JOHN 3:16