COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina or Dennis Dutton
Meeting Date:	Thursday, July 25, 2013	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition RDP-010-13 requesting approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres.

Background/History/Details:

The subject property was rezoned from A-R to C-S on May 25, 2006 (Petition 1173-06) and consists 36 lots on 83.75 acres. To date no homes have been built in the subdivision.

The Applicant is requesting approval to change the proposed Community Clubhouse area containing a pool and cabana to a Landscaped Park consisting of 1.62 acres. The revised Development Plan meets the requirements of the C-S Zoning District.

The Planning Commission voted 5-0 to recommend approval of the Revised Development plan for Ballard's Terrace Subdivision.

Staff agrees with the proposed recommendation.

What action are you seeking from the Board of Commissioners?

Approval of Petition RDP-010-13 requesting approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres.

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:

PETITION NUMBER: RDP-010-13

REQUESTED ACTION: Request approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres

LOCATION: Fronts on Antioch Road

LAND LOTS/DISTRICTS: Land Lot(s) 216 and 217 of the 4th District

PROPERTY OWNER: Scarbrough & Rolader Development, 270 North Jeff Davis Drive, Fayetteville, GA 30214

INVESTIGATION

This request is to revise the approved Development Plan for Ballard's Terrace Subdivision, which is zoned C-S (Conservation Subdivision), and consists 36 lots on 83.75 acres. The Applicant is requesting approval to change the proposed Community Clubhouse area containing a pool and cabana to a Landscaped Park consisting of 1.62 acres. The revised Development Plan meets the requirements of the C-S Zoning District. There are no further changes proposed from the original approved Development Plan.

History

The subject property was rezoned from A-R to C-S on May 25, 2006 (Petition 1173-06) and the Final Plat was recorded on October 8, 2007. To date no homes have been built in the subdivision.

Revision of a Development Plan

Per Section 6-2. C-S Conservation Subdivision of the Fayette County Zoning Ordinance states:

> A Development Plan shall be required for the rezoning petition. The Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved Development Plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A petition for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary.

Staff recommends **APPROVAL** of the request to revise the Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres.

Ballard's Terrace, LLC
270 North Jeff Davis Drive
Fayetteville, GA 30214
(770) 461-0478

June 3, 2013

Fayette County Commission
140 Stonewall Ave West
Fayetteville, GA 30214

Dear Sir or Madame,

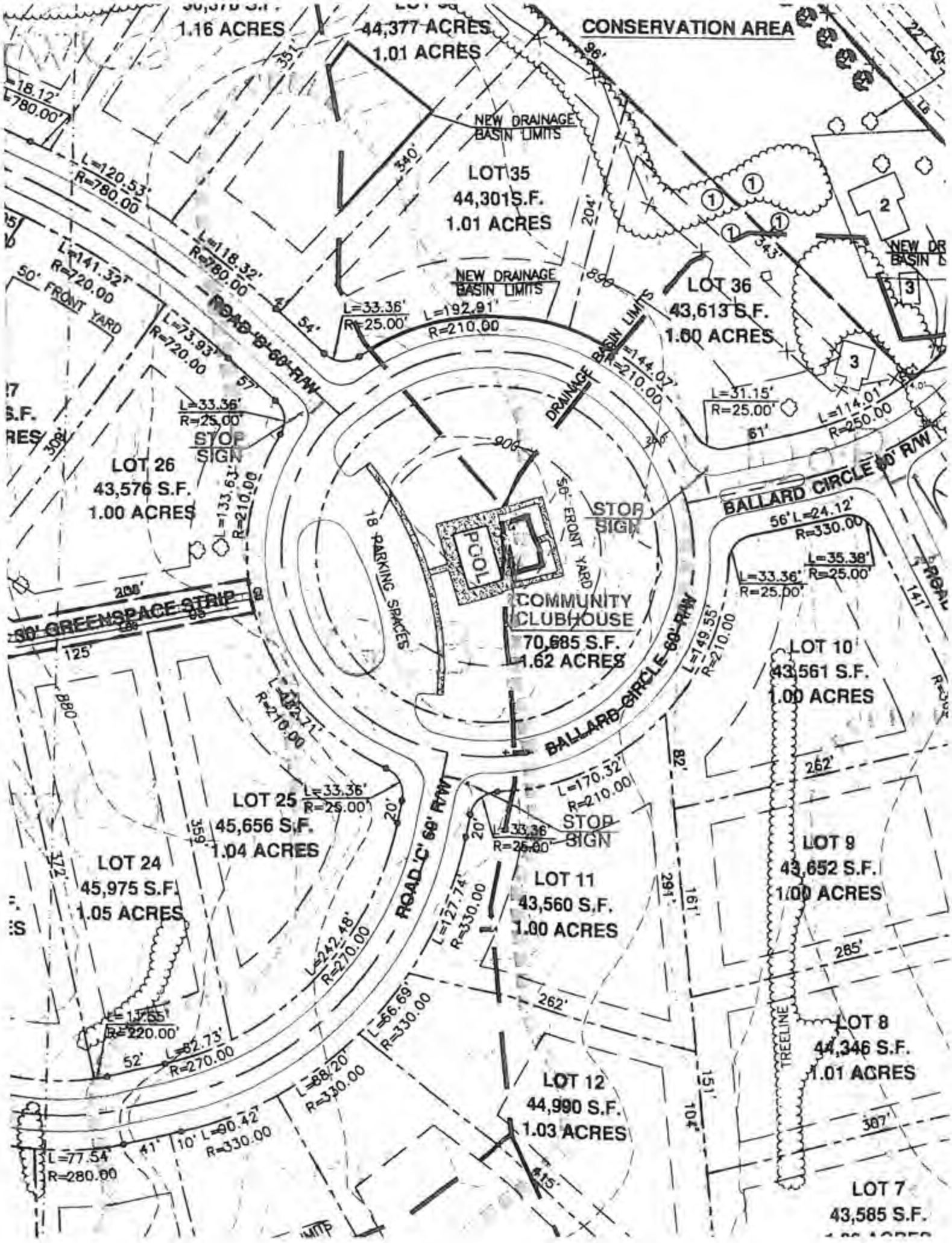
Ballard's Terrace, LLC requests a change to the Development Plan for Ballard's Terrace to change the amenity in the center of the development from a pool and cabana to a landscaped park. The plan for this development was designed by others several years ago, and is not feasible for a subdivision of only 36 homes. Construction of such an amenity would not only make the lots prohibitively expensive for a builder, but the real burden of the improvement would fall on the future residents for maintenance and operation of the facility. It generally takes at least 100 homes to make such a recreation area feasible.

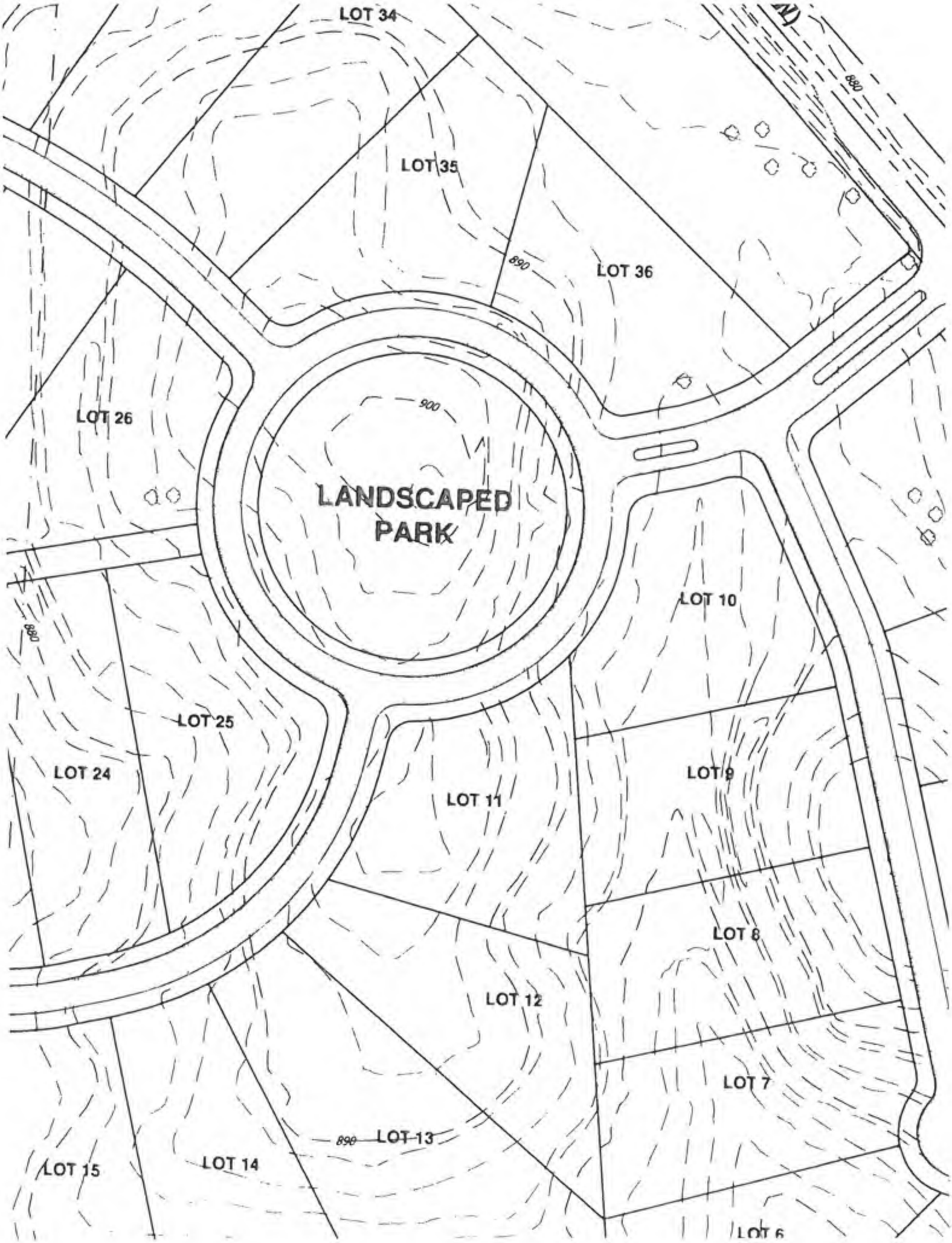
For this reason, we propose the conversion of the facility to a landscaped park with walking paths, seating, and trees. The park will be a beautiful amenity for the neighborhood with much lower maintenance costs for the future.

We appreciate your consideration of this request.

Sincerely,

Robert F. Rolader, Managing Member
Ballard's Terrace, LLC


1.16 ACRES
44,377 ACRES
1.01 ACRES
CONSERVATION AREA
NEW DRAINAGE BASIN LIMITS
LOT 35
44,301 S.F.
1.01 ACRES
NEW DRAINAGE BASIN LIMITS
LOT 36
43,613 S.F.
1.00 ACRES
ROAD 'B' 60' R/W
50' FRONT YARD
STOP SIGN
LOT 26
43,576 S.F.
1.00 ACRES
DRAINAGE
BALLARD CIRCLE 60' R/W
STOP SIGN
50' FRONT YARD
18 PARKING SPACES
POOL
COMMUNITY CLUBHOUSE
70,685 S.F.
1.62 ACRES
BALLARD CIRCLE 60' R/W
LOT 10
43,561 S.F.
1.00 ACRES
30' GREENSPACE STRIP
LOT 25
45,656 S.F.
1.04 ACRES
ROAD 'C' 60' R/W
STOP SIGN
LOT 24
45,975 S.F.
1.05 ACRES
LOT 11
43,560 S.F.
1.00 ACRES
LOT 9
43,652 S.F.
1.00 ACRES
TREELINE
LOT 8
44,346 S.F.
1.01 ACRES
LOT 12
44,990 S.F.
1.03 ACRES
LOT 7
43,585 S.F.


LOT 34
LOT 35
LOT 36
890
880
900
LOT 26
LANDSCAPED
PARK
LOT 10
890
LOT 25
LOT 24
LOT 9
LOT 11
LOT 8
LOT 12
LOT 7
890
LOT 13
LOT 15
LOT 14
LOT 6

THE FAYETTE COUNTY PLANNING COMMISSION met on April 4, 2013 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Bill Beckwith
Douglas Powell
Tim Thoms

STAFF PRESENT: Pete Frisina, Director Community Services Division
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff.

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1. Consideration of the Minutes of the Meeting held on June 6, 2013.

Tim Thoms made a motion to approve the minutes. Doug Powell seconded the motion. The motion passed unanimously 5-0.

2. Consideration of the Minutes of the Meeting held on June 20, 2013.

Doug Powell made a motion to approve the minutes. Jim Graw seconded the motion. The motion passed unanimously 4-0-1. Tim Thoms abstained as he was not present at the June 20, 2013 meeting

PUBLIC HEARING

3. Petition RDP-010-13: Request approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres.

Donna Black said the proposal is to revise the Development Plan to change the Community Clubhouse area that was to contain a pool and cabana to a Landscaped Park. She said that she has a proposed landscape plan to show the Planning Commission. She added that the subdivision was rezoned in 2006 and the developer at that time proposed a pool and cabana and the subdivision only contains 36 lots and it is their experience that it takes approximately 100 lots to support a pool economically. She said there are no homes built in the subdivision at this time and the park would be landscaped for appearance with a grassy area for passive uses such as playing Frisbee.

Chairman Gilbert asked if anyone from the public had any questions or comments and seeing none he brought the item back to the Planning Commission.

Doug Powel made a motion to approve petition RDP-010-13 as presented.

Bill Beckwith seconded the motion.

Chairman Gilbert asked if there was any discussion.

Doug Powell said his subdivision has 173 homes and 83 homes pay into the pool and it is sometimes difficult to raise the funds necessary to support the pool adequately.

Bill Beckwith asked if there are plans to a have a pool in some other area of the subdivision.

Donna Black said there are no plans to have a pool in the subdivision.

Tim Thoms asked for clarification if any lots have been sold in the subdivision.

Donna Black replied that no lots have been sold in the subdivision.

Tim Thoms said the letter in the request stated that walking paths and seating is proposed but the landscape plan doesn't show any of those improvements and he wondered if the request should be conditioned as such.

Doug Powell said he didn't believe it was necessary.

Jim Graw asked if seating will be provided.

Donna Black said seating would be placed under the shade trees.

Tim Thoms said his proposal would be to place a condition on the request that these improvements be shown on the landscape plan submitted to the staff.

Chairman Gilbert said he was uncomfortable with the condition because it could be difficult to enforce.

Doug Powell said he was not in favor of a condition.

Jim Graw said the request could be conditioned to meet the landscape plan submitted tonight.

Tim Thoms said the plan doesn't show any benches or paths.

Donna Black said she would rather bring back a more detailed plan if the Planning Commission would like to see it.

Pete Frisina said this request has been advertised for public hearing so the request would need to be tabled if the Planning Commission wants to base their recommendation on a new landscape plan or she could provide a landscape plan to the Board of Commissioners and the question when do the developers have to implement the plan.

Chairman Gilbert said that he didn't want to pass something onto the BOC the Planning Commission hadn't seen.

Bill Beckwith said he didn't think the Planning Commission needed to see a layout as long as the intent is to provide the improvements.

Tim Thoms said he is concerned the improvements will not be made and no one will maintain the landscaping.

Pete Frisina said the park will be turned over to the Home Owner's association at some point and the developer would not be involved after that time.

Bill Beckwith said he is satisfied with the intent of the request.

Donna Black said the developer is interested in planting the landscaping in the fall.

Doug Powell said he did not want to put a timeline on these improvements with a condition.

Chairman Gilbert said there does not seem to be a consensus on placing a condition on the request so he would call the question.

The motion to approve the request was unanimous.

4. Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, Definitions and Article VI, Sec. 6-26., G-B General Business District regarding: building height.

Pete Frisina said these are the amendments that have been discussed concerning building height in the G-B zoning district and consists of an amendment to the definition of building height, a new definition for a soundstage and under the G-B zoning district it