Public Hearing #6

COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, June 26, 2014	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of a request to adopt Ordinance 2014-10 amending the County Code, Chapter 110. Zoning Ordinance, as amended, specifically, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards, Sec. 110-173, Transportation Corridor Overlay Zone, 3. General State Route Overlay Zone regarding SR74 South.

Background/History/Details:

On November 14, 2013, staff came to the Board about a proposal from Ms. Linda Sandwich to rezone a lot containing an existing single family residence to Office-Institutional for conversion into a medical office on State Route 74 South. The Board sent this request to the Planning Commission to review for a possible decision on the Future Land Use Plan that would allow office use in the area.

On May 8, 2014, staff returned to the Board with recommendations from the Planning Commission. The Board instructed staff to proceed with public hearings on the matter.

The Planning Commission has unanimously recommended approval of the amendments to the Fayette County Code of Ordinances.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to adopt Ordinance 2014-10 amending the County Code, Chapter 110. Zoning Ordinance, as amended, specifically, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards, Sec. 110-173, Transportation Corridor overlay Zone, 3. General State Route Overlay Zone regarding State Route 74 South.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, May 8, 2014
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:

STATE OF GEORGIA
COUNTY OF FAYETTE

ORDINANCE NO. 2014 - 10

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 110. ZONING ORDINANCE, AS AMENDED, SPECIFICALLY ARTICLE V CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS, SEC. 110-173. TRANSPORTATION CORRIDOR OVERLAY ZONE, 3. GENERAL STATE ROUTE OVERLAY ZONE REGARDING SR 74 SOUTH; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. The Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, is hereby further amended by adding in its entirety the following to Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards, Sec. 110-173. Transportation Corridor Overlay Zone, 3. General State Route Overlay Zone:

> 10. SR 74 South Corridor Sidewalk Requirements. In order to provide for the connection of the sidewalk system installed by GDOT when SR 74 South was widened from two lanes to four lanes, sidewalks are required as an integral component of nonresidential development in this area as identified in the SR 74 South Overlay District in the Fayette County Comprehensive Plan Land Use Element. Said sidewalks shall connect to the existing sidewalks. In the cases where a required sidewalk is to be located on abutting parcels, an alignment shall be established and the sidewalk shall be developed so as to provide for connection at the property line.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. **a**. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 26th day of June, 2014, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
STEVE BROWN, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK

Fayette County Comprehensive Plan Amendments

The following is to be added in it entirely to the Land Use Element text and the attached map indicates areas (in pink) to be designated as Office on the Future land Use Plan map

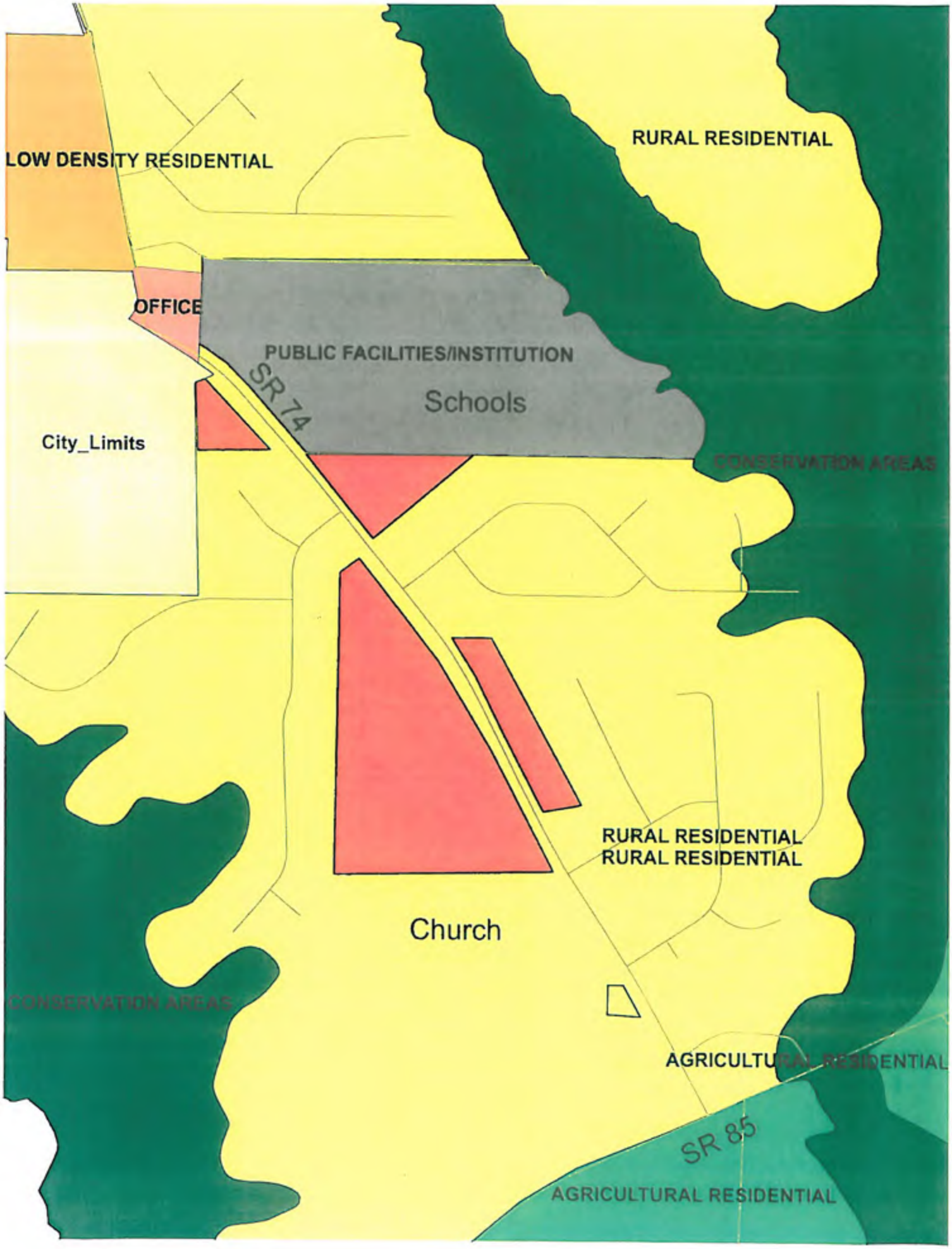
SR 74 South Overlay District: This District identifies the county's goals and recommendations for SR 74 South corridor and sets out the preferred development pattern for Office in this area. The SR 74 South Overlay District includes SR 74 between Redwine Road and SR 85. SR 74 South provides a traffic connection into the southern portion of Peachtree City where a majority of the industrial development in Peachtree City is located providing access to workers and trucking. This portion of SR 74 has recently been widened from two lanes to four lanes divided by a median.

Existing Development: Existing development in this corridor consists of a small office development at the intersection of Redwine Road and SR 74 (O-I), a daycare facility (A-R), the Starr's Mill tri-school complex, three single-family residential subdivisions (Brechin Park, The Chimneys and Mill Pond Manor), a large church complex (A-R), and several residential lots fronting and directly accessing SR 74 which range in size from three quarters of an acre up to eleven acres. Four of these residential lots are undeveloped.

Future Development: The goals of the SR 74 South Overlay District are: (1) to maintain the efficient traffic flow of SR 74 South; (2) to enhance and maintain the aesthetic qualities of the corridor; (3) to provide for economic expansion and jobs commensurate with the educational and skill level of Fayette's labor force; and (4) to protect existing and future residential areas in the SR 74 South corridor. The General State Route Overlay will apply to this corridor.

The recent widening of this portion of SR 74 resulted in the sidewalks being placed on both sides of the road. However, a gap was left in the sidewalks and they do not run the full length of this Overlay District area. Going south from Redwine Road, the road has an Urban Profile with curb and gutter and sidewalks, the road then changes to a Rural Profile with vegetated ditches and no sidewalks, and then changes back to an Urban Profile with curb and gutter and sidewalks. Sidewalks would be valuable as they would increase pedestrian access from the existing residential subdivisions, especially to the tri-school complex for students. A portion of the gap is in the area where office development is proposed. Conversely, there are small portions of this sidewalk gap that are not within the area proposed for office development and the County would have to find other means to build sidewalks in these areas.

Recommendations: The continuation of the sidewalks on both sides of SR 74 will be a requirement for office development, where the developer of the property will be responsible for building their section of the sidewalk with the intent that the sidewalks will someday connect along the SR 74 South Overlay District area. Sidewalks in an Urban Profile are approximately two feet behind the curb well within the right-of-way. Sidewalks are not normally part of a Rural Profile and in this case they will most likely have to be behind the ditches. The County will have to work with DOT as the issue is there may not be enough right-of-way behind the ditches to contain the sidewalks. Options to consider are require additional right-of-way from the developers for the sidewalks or an easement for the sidewalks.


LOW DENSITY RESIDENTIAL
RURAL RESIDENTIAL
OFFICE
PUBLIC FACILITIES/INSTITUTION
SR 74
Schools
City_Limits
CONSERVATION AREAS
RURAL RESIDENTIAL
RURAL RESIDENTIAL
Church
CONSERVATION AREAS
AGRICULTURAL RESIDENTIAL
SR 85
AGRICULTURAL RESIDENTIAL