

BOARD MEMBERS

Jim Graw, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth, Sr.
Al Gilbert
Arnold L. Martin, III

STAFF

Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

AGENDA FAYETTE COUNTY PLANNING COMMISSION MEETING 140 STONEWALL AVENUE WEST NOVEMBER 5, 2015 7:00 pm

1. Consideration of the Minutes of the Meeting held on October 15, 2015.

NEW BUSINESS

2. Consideration of a Final Plat Revision for Canoe Club at Waterlace, Pod D for SELAF Fayette Holding Company, LLC. Pod D consists of 42 single-family residential lots on 49.97 acres. The property is located in Land Lots 6, 7, 26, & 27 of the 7th District and fronts on Discovery Lake Drive, Rowboat Drive, and Crescent Creek Drive.

PUBLIC HEARING

3. Consideration of Petition No. 1251-15, Ruth M. Sitton, Owner, and Al Gaskins, Agent, request to rezone 4.238 acres from A- R to R-70 to develop a Single-Family Residential Lot. This property is located in Land Lot(s) 169 and 170 of the 4th District and fronts on Antioch Road.
4. Consideration of Petition No. 1252-15, Jeffrey Anderson Jr., Owner, request to rezone 8.87 acres from R-20 to A-R to develop a Single-Family Residential Lot. This property is located in Land Lot 62 of the 4th District and fronts on Bankstown Road.
5. Consideration of Petition No. RP-058-15, Jeffrey Anderson Jr., Owner, request to revise the Survey for P.K. Dixon Subdivision to add A-R uses to the subdivision. This property is located in Land Lot 62 of the 4th District and fronts on Bankstown Road.

OLD BUSINESS

6. Discussion of Amendments to the Fayette County Code of Ordinances, Chapter 110. Article V., Sec. 110-169. Conditional use approval., to eliminate buffers between a Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office that is in a residential or A-R zoning district.

THE FAYETTE COUNTY PLANNING COMMISSION met on October 15, 2015 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Al Gilbert

MEMBERS ABSENT: Arnold Martin, III

STAFF PRESENT: Pete Frisina, Director of Community Services
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

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

* * * * *

1. Consideration of the Minutes of the Meeting held on October 1, 2015.

Al Gilbert made a motion to approve the minutes. John Culbreth seconded the motion. The motion passed 4-0.

PUBLIC HEARING

2. Consideration of a Minor Subdivision Plat for Micah Fletcher. The property will consist of one residential lot zoned A-R, is located in Land Lot 120 of the 4th District and fronts on Grant Road.

Pete Frisina stated that Michael Shamrock will be the purchaser of the property. He said that staff approves the Minor Subdivision Plat.

John Culbreth stated that the plat says this lot does not conform to County standards and therefore cannot be granted a building permit as is. He also stated that this lot is to be combined with the Fletcher Property to the east in the future.

Pete Frisina stated that note was placed on the plat because “as is” the property can’t meet these requirements. He said that the property is owned by the Fletcher’s next door and the back lot will be combined with their property. He added that it’s a 10 acre parcel being cut into two (2) five (5) acre parcels. He said that the back property is not being cut out as a building lot, but to be added to the property next door.

Michael Shamrock stated that it will be combined to the neighbor’s other 15 acres.

Chairman Graw asked how many acres the Fletcher’s will have once the five (5) acres are combined.

Michael Shamrock replied that the Fletcher’s will have 19 acres once the five (5) acres has been combined.

Chairman Graw asked what the contiguous area is for the A-R district.

Pete Frisina replied two (2) acres.

Pete Frisina stated that the back portion of the property has wetlands and flood plain issues and cannot stand alone. He said the note was placed on the plat to put everyone on notice that the back lot is not a buildable lot.

Chairman Graw asked if the 10 acres were buildable and why he was cutting five (5) acres out.

Pete Frisina replied because that's all the purchaser wants.

Michael Shamrock stated that the owner purchased 10 acres from family and has 14 acres beside it already. He said he is taking five (5) acres to build on.

Chairman Graw stated that the five (5) acres remaining will be added to the lot next door in the future.

Al Gilbert made a motion to recommend approval of the proposed amendments. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent.

OLD BUSINESS

3. Discussion of the SR 85 and SR 74 intersection.

Chairman Graw asked Pete Frisina to tell the board the unique title he has for the district.

Pete Frisina stated that for lack of a better title he created two (2) zoning districts one was called limited commercial which was the base and the other is called more limited commercial. He said that the original one will be LC-2 because normally in the hierarchy of zoning you give the heavier use the higher number. He added that the new district will be called LC-1.

Al Gilbert said that it was similar to M-1 and M-2.

Pete Frisina replied exactly. He stated that M-1 is associated with light industrial and M-2 is associated with heavy industrial. He added that he had researched other zoning ordinances for names that had similar C-1, C-2, and C-3 with no other title added to it, and found a limited commercial which was an L-C and a Limited Local Commercial which was equivalent to our LC-1. He found another zoning ordinance that had a category called Low Intensity Commercial.

Al Gilbert stated that the local and limited are too close together and can be confusing.

Pete Frisina replied that he knows and he hasn't been able to find any good names out there.

Chairman Graw stated that he liked LC-1 and LC-2.

Pete Frisina said there was no distinction beyond that. He mentioned that in the County's zoning ordinance we have a title after the code.

PC Meeting
October 15, 2015
Page 3

Chairman Graw stated that the only difference between the two (2) is that LC-1 (light) does not allow the convenience commercial and LC-2 allows it.

Pete Frisina told the board if they come up with any ideas for names to let him know.

John Culbreth stated that he liked LC-1 and LC-2.

Al Gilbert asked what would be the possibility of LC-1 with gas convenience and LC-2 without gas convenience.

Pete Frisina replied that it was too long of a title.

Al Gilbert said we could abbreviate the title.

Pete Frisina replied that he didn't want to roll that out as the title.

Brian Haren asked that when the Overlay Zone is codified that the first sentence in LC-2 is this is how it differentiates from LC-1.

Chairman Graw asked everybody if they were up to date on why they were creating the two (2) zoning districts.

Al Gilbert, Brian Haren, and John Culbreth all replied yes.

Chairman Graw stated that the SR 74 and SR 85 intersection will be the only place in the County where we would use the LC-1, without the gas station.

Pete Frisina replied he didn't know about that. He added that once the district is in place we could put it anywhere we wanted to. He stated that he thinks it's a good idea to have a commercial designation without the convenience use in it.

Chairman Graw replied that he liked it too.

John Culbreth added that it allows us to drive the planning.

Pete Frisina stated that once a sign goes up in a neighborhood, the first question that is asked is if there is going to be a convenience store there. He added that seems to be something that people don't want. He said people want gas they just don't want it next to their house.

Brian Haren stated that you don't need a gas station on every corner.

Pete Frisina stated that he did some work to the definitions on page six (6).

Brian Haren asked if the definitions changed since the last meeting.

Pete Frisina replied that he may have finessed them slightly. He said that he did not do anything to arts and crafts but under cards gifts and/or stationary he added some of the terms they talked about like desktop office products.

Brian Haren stated that he didn't want them to sell office furniture.

Pete Frisina said that we didn't have convenience commercial the last time. He stated that he opened it up for a convenience store, small natural food store, or a gourmet food store. He added that you don't have to sell gas to make it happen. He said that Al Gilbert's term copy and print had been added to the definitions. He stated that mail stores, pay day loans, and pawn establishments have stayed the same. He added that bookstore has been moved and become a term by itself without cards gifts and/or stationary.

Chairman Graw asked if someone could build a store and have all of these uses in them. He added for example a card gift and/or stationary with copy and print.

Pete Frisina replied yes and that he frequents the one (1) on Bank Station by the Cub Foods. He stated that the establishment allows you to ship packages, make copies, sells knickknacks and cards.

Brian Haren asked if an antique shop can sell cell phones.

Pete Frisina replied yes.

Al Gilbert asked if Pete Frisina will discuss the SR 85 and SR 74 intersection with the County Commissioners.

Pete replied that he hadn't quite figured out how he was going to do that just yet.

Al Gilbert stated that he would like the Commissioners feedback to see if they would like for them to expand the overlay zone.

Pete Frisina replied that under our procedures he doesn't have the opportunity to go to a meeting to discuss the overlay zone prior to a public meeting with the board. He stated that he would not like to present the board with this much information for their consideration in a public meeting. He added that in times past he had the opportunity to discuss projects with the board in a one-on-one setting or sometimes two (2) at a time especially when we are proposing to make a large amount of complex amendments to the Land Use Plan and Zoning Ordinance. He said that he would run it through the County Administrator once everything has been finalized.

Chairman Graw said that he had a question regarding page eight (8) D one (1). He asked what if petitioners were to bring in elevation drawings that the board did not like. He stated that the board has the ability to vote no, yes, or table it. He said if we were to vote no we need to have some reasons why we came to that decision. He asked the board what type of criteria should we establish or look at to base our decisions.

Pete Frisina said that was an issue that he and Chairman Graw discussed.

Pete Frisina stated he doesn't know if anything is new within the pages six (6) – 13 other than the convenience commercial he added at the end. He stated that pages one (1) – five (5) discuss what Chairman Graw had a question on. He said that it was on page four (4) number four (4) where they discuss architectural standards that relate to Chairman Graw's question. He read from page four (4) that elevation drawings must be in compliance with the following requirements and shall be submitted and approved as part of the rezoning public hearing procedures. He added that this is similar to a PUD and it's something that we don't do often. He stated that they require elevation drawings for a PUD and we will be following similar procedure here. He said this district we're creating will have architectural standards that aren't in his opinion quantifiable like

some of our other architectural standards. He stated that the other architectural standards talked of a pitch peak roof and certain slopes, and they were all quantifiable. He added that doors and windows of a residential character aren't as quantifiable but we know that plate glass windows doesn't meet those standards. He said that it also talked about façades of a residential character (brick wood or stucco) and sidings that simulate the same; and even if they're metal we quantify that by saying horizontal seems as opposed to vertical. He stated that we would tell developers that we have photos/examples that we would like to see and we will open it up to you and see if you can create some design that meets our concept.

Al Gilbert stated that in the Historic District of the City of Fayetteville there are building restrictions. He said about four (4) years ago a developer was trying to build something, but he kept getting turned down. He said the developer finally asked the council, what are you looking for. He said that one of the councilman replied that he didn't know but when he sees it, he would tell him. He stated that "we" don't need to get into that.

Pete Frisina showed them the architectural drawings depicting the architectural character we want for the area.

Chairman Graw stated that we have to be able to define these things and that is the hard part.

Pete Frisina replied that you define them by talking about the characteristic of the architecture. He said that you basically tell developers here is an example of what we like. He stated that we could quantify the movement in elevation on the roofs by a percentage of change in elevation within so many feet. He stated that the Planning Commission wanted to require period lighting and fencing required. He added that we need to come up with these requirements.

Al Gilbert said that during that era there were no iodized aluminum windows. He added that it takes away from the architecture.

Pete Frisina replied that we could get the overarching architecture to follow that form but he's not going to worry about window treatments.

Chairman Graw asked how you define the characteristics of that building.

Pete Frisina replied that building is indicative of a certain period of time of the turn of the century. He states that brick was predominating during this period but not always.

Brian Haren stated that we may need to emphasize wood materials or wood like treatment along the area surrounding Star's Mill.

Pete Frisina stated that we're looking for buildings that follows this style of architecture and are in character with this period. He said that they're not all going to match Star's Mill. He added that the shopping center behind Arby's is a one (1) strip building with each suite having a slightly different façade. He also mentioned downtown Fayetteville having different facades for its suites which he believes gives character. He stated that he likes both wood and brick for facades.

Chairman Graw asked could we really define what we want to make a decision for approval or disapproval based on picture.

Pete Frisina replied that he thinks we should say based on the pictures these are the elements and architectural styles that we want to see. He added that he could define the architectural terms needed but also reiterated

that he cannot quantify it in a sense to say how tall or wide the building must be or the percentage of wood and brick that has to be used. He stated that Fayetteville and Peachtree City architectural standards are reviewed at the site plan stage not a rezoning. He added that board members know what they're looking for once they see it. He said that staff tries to guide them on where they need to be, but council approves site plans. He stated that we want to try and find a good way of getting what we want and not being a total burden on someone.

Pete Frisina asked the board to review a photo of a strip commercial building to see if it meets the requirements.

Al Gilbert, Brian Haren, John Culbreth, and Chairman Graw agreed that the strip commercial building does not meet the requirements that they are looking for.

Pete Frisina said that if we we're to tell the developer of the strip commercial building this doesn't meet the grade; we must also tell him what he can do to embellish it more. He added that the photo shows some characteristics such as the period columns, period lightening, movement of the roofs, and stacked stoned. He stated that the problem is with the materials the stucco finish doesn't look right to him.

Chairman Graw stated that if someone were to bring in the site plan he would tell them they need more accents and ask them to review the pictures that were provided to them to pull ideas.

Brian Haren stated that the site plan looks like an outlet mall. He added that the building was too symmetrical with its façade. He said that he is looking for a more downtown Fayetteville or Senoia feel to it. He added that during the 18th and 19th century no commercial building had that much glass on it. He stated that more regular windows would need to be displayed and that the stack stone used is not indicative of the era their trying to encompass. He asked for wood or brick.

Al Gilbert stated that his major issue is with the stucco material.

Pete Frisina agreed that stucco was not indicative of that period.

Chairman Graw asked Brian Haren what made the structure look like an outlet mall.

Brian Haren replied that it was the symmetry, exterior finish, and the ratio of glass to structure level.

Al Gilbert stated that if the windows were divided it would give them a different look.

Pete Frisina agreed and said that during this period there was never glass all the way down to the base. He added that there was always a knee wall.

Chairman Graw asked if we had stipulations for windows in our ordinance.

Pete Frisina replied that we do but there for residential windows.

Pete Frisina stated that we can require that knee walls be a minimum of two (2) or three (3) feet and have division between them.

Brian Haren wanted no metal finish added anywhere except for signage.

Al Gilbert asked Brian Haren what the metal finish was on.

Brian Haren replied for the window frames. He said that he wouldn't mind a treatment being added to it to make it look like wood.

Pete Frisina stated that he didn't want to require wood but wanted it to look period and if it has that metal so be it as long as it doesn't look shiny.

Pete Frisina showed the board a photo of a commercial building in downtown Cartersville. He stated that Cartersville has an old-town feel to it and that this commercial building was built to try and fit into the character that was already there. He added that they have accents and none of the glass goes all the way down. He said that they could quantify these characteristics and he mentioned that they could ask the developers to break the panes up with some sort of separation.

Brian Haren said the structure looks modern because of the projected vestibule in the front of the restaurant. He stated that they should find a way to minimize it to where it can be a flat front façade.

Pete Frisina agreed. He stated that the building is new and was built with some of the characteristics that we are looking for such as the windows, division between the windows, and awnings.

Chairman Graw stated that we could require an awning every once in a while.

Pete Frisina replied that he didn't know if we would require a cloth awning, but if someone wanted to do it would be fine.

Chairman Graw asked what requirements a developer would get turned down for.

John Culbreth stated that if we asked for what we want and they don't comply that's reason to turn them down.

Chairman Graw and John Culbreth asked if an architect could come by to give us some pointers for technical terms.

Pete Frisina said he would get with someone on that.

Pete Frisina stated that number four (4) deals with the architectural standards/style of Starr's Mill and he doesn't want everything to look like the mill. He said that the mill is a building of influence but he doesn't want to be that specific about it.

Brian Haren said that we need to add that whatever the developer comes up with cannot overwhelm the mill in the north corner.

Pete Frisina said that mill sits way back from the corner and no one will be right on top of it.

Pete Frisina stated that number four (4) which deals with stacked rock walls and period fencing should be required along the 50 foot landscaping area in front of a development. He asked do we give the developer a choice of rock wall or period fencing. He also asked do they want period lighting throughout the whole development.

PC Meeting
October 15, 2015
Page 8

Chairman Graw, Brian Haren, Al Gilbert, and John Culbreth all agreed for period lightening throughout the whole development.

Brian Haren asked if the County prohibits gas lightening/street lightening instead of electric.

Pete Frisina replied he doesn't know. He said that he could get developers to do something similar. He added that most developers want a certain amount of light on the development.

Pete Frisina stated there would be a 50 foot landscaping area along the State Route and somewhere in that 50 foot landscaping area we would want period fencing or stacked rock wall. He asked how they like would to quantify that and what would be the minimum lengthwise.

Brian Haren, John Culbreth, and Chairman Graw all agreed to 25% for the minimum linear footage for a fence.

Al Gilbert stated that the number should increase because people sometime do just the minimum. He asked if a fence was put around a water fountain would that count towards meeting the minimum.

Pete Frisina replied that it had to be linear.

Brian Haren, John Culbreth, and Al Gilbert all agreed to 50% for the minimum linear footage for a fence.

Chairman Graw said he had issues with the 50% for the minimum linear footage for a fence. He stated that it may be too expensive for the developer.

John Culbreth stated that we could have set standards with a minimum and leave it open ended. He added that we could give trade-offs if the total 100% requirement minimum is not done there needs to be something to compliment that.

Pete Frisina stated that landscaping requirements pertaining to development will have landscaping area in the front. He said that the fencing is in addition to your landscaping area to give it some character. He added that this is not being done anywhere else in the County.

John Culbreth stated that the board was being too technical, and that any parameters that are set developers must comply.

Pete Frisina stated that we could encourage developers to do it and give something in return for doing it.

Brian Haren asked does a fence have to be a structure or can it be a row of hedges.

Pete Frisina replied hedges are landscaping. He stated that most of the landscaping along the front is not to obscure the building and hedges would obscure.

John Culbreth stated that any developer that goes into that area will have the understanding that money will need to be spent to make it look unique. He added that if it's not unique looking it won't draw people in there. He said that this area will be the front door to the southern part of the County.

Brian Haren stated that we must dangle a carrot in front of the developers because one of them will do the minimum standards.

Pete Frisina stated that Pinewood Studios has rustic fencing around the area that gives it character and does nothing but give an aesthetic appeal.

Pete Frisina stated that on page four (4) b they're making it a requirement that gasoline canopies be an extension and attached to the building. He said that he would back away from it as a strict requirement. He stated that he talked to the Fire Marshall and the he didn't like that the canopy was attached to the building. He added that it was a fire issue for them.

Chairman Graw asked Pete Frisina to tell ask the Fire Marshall how close can the canopy be to the building.

Pete Frisina said he would find out but knows that he doesn't want it connected.

Al Gilbert made a motion to adjourn the meeting. John Culbreth seconded the motion. Chairman Graw said the meeting was adjourned at 8:30 pm.

**PLANNING COMMISSION OF
FAYETTE COUNTY**

JIM GRAW, CHAIRMAN

ATTEST:

To: Fayette County Planning Commission
From: Dennis. Dutton, Zoning Administrator
Date: October 30, 2015
Subject: Final Plat to be considered on November 5, 2015

PRELIMINARY PLAT

Final Plat of Canoe Club at
Waterlace Pod D

OWNER/APPLICANT

SELAF Fayette Holding Company, LLC – Dan Fields
Green Leaf, LLC – Mark Jones

Recommend **APPROVAL**

On the Canoe Club at Waterlace Pod D Final Plat Revision that was dated on 10/20/15.

PETITION NO: 1251-15

REQUESTED ACTION: A-R to R-70

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Antioch Rd.

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 169 + 170

OWNER: Ruth Marian Sitton

AGENT: Al Gaskins

PLANNING COMMISSION PUBLIC HEARING: November 5, 2015

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2015

APPLICANT'S INTENT

Applicant proposes to develop one (1) R-70 Single-family Residential Lot consisting of 4.238 acres.

STAFF RECOMMENDATION

DENIAL

1.

1251-15

INVESTIGATION

A. PROPERTY SITE

The subject property is a 4.238 acre tract fronting on Antioch Rd. in Land Lot(s) 169 + 170 of the 4th District. Antioch Rd. is classified as a Local road on the Fayette County Thoroughfare Plan. The subject property is a portion of a 9.34 acre parcel. The subject property is undeveloped and currently zoned A-R.

History: Per a Warranty Deed recorded on December 14, 1989 in Book 584 Page 198, Fayette County purchased 1.6827 acres and a flood easement from the property owner for Lake Horton.

B. SURROUNDING ZONING AND USES

The general situation is a 4.238 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	2.00	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	4.90	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
South	5.102 (remainder of parent tract)	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
East (across Antioch Road)	4.50	A-R	Vacant	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	4.30	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
West			Lake Horton	

C. COMPREHENSIVE PLAN

The subject property lies within an area designated as Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-70 for the purpose of developing a Single-family Residential lot.

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

E. 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.

F. DEPARTMENTAL COMMENTS

Water System

1251-15 is approved. Water available.

Public Works/Engineering

No Engineering comments for Rezoning applications 1250-15 and 1251-15. This portion of Antioch is a County local and we have existing 60', so no additional is needed.

Environmental Management

Floodplain - The property DOES contain floodplain per FEMA FIRM panel 13113C0160E dated Sept 26, 2008. Per Fayette County Floodplain Management Ordinance Sec. 104-86 any stream with a drainage area less than 100 acres, the area of special flood hazard shall be determined. The area of special flood hazard areas shall be determined for all manmade hazards. The elevation of the lowest floor, including basement and building access of any development shall be a least 3 feet above the base flood elevation for any lots that contain or are adjacent to a special flood hazard area.

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 - If replatted, Watershed protection DOES apply. Lake Horton IS subject to a Watershed Protection buffer of 150 feet as measured from the normal pool elevation or base flood elevation, whichever is greater, and a 50 ft. setback from the measured buffer.

Groundwater - The property IS NOT within a groundwater recharge area.

Stormwater - This development is not subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

This department would require a level 3 soils report from a GA Certified Soil Classifier and a determination of the location of wells in the area in order to begin the process to determine if the site could support a septic system to service a single family residence.

Fire

The bureau of fire prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

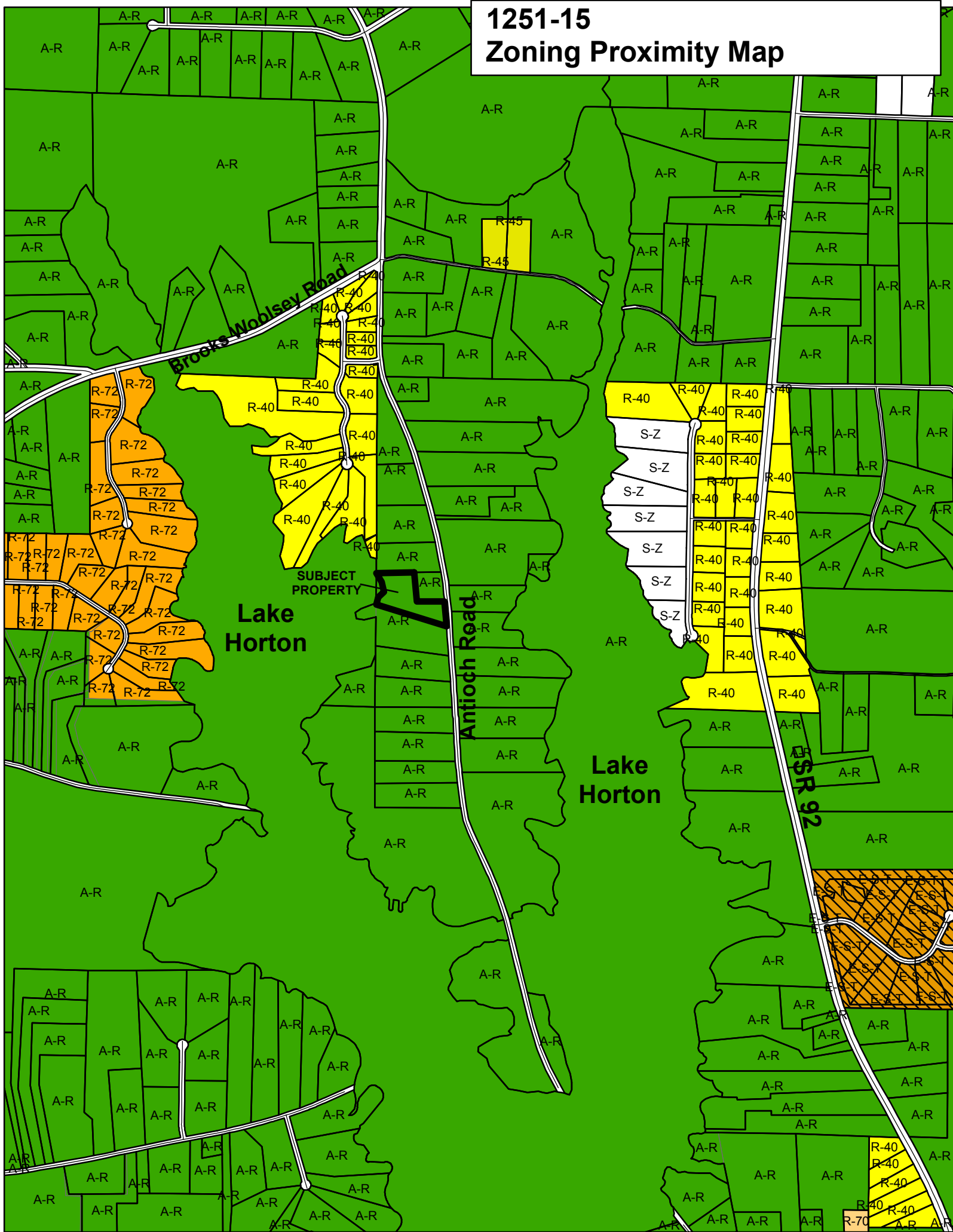
STAFF ANALYSIS

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) R-70 Single-family Residential lot Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

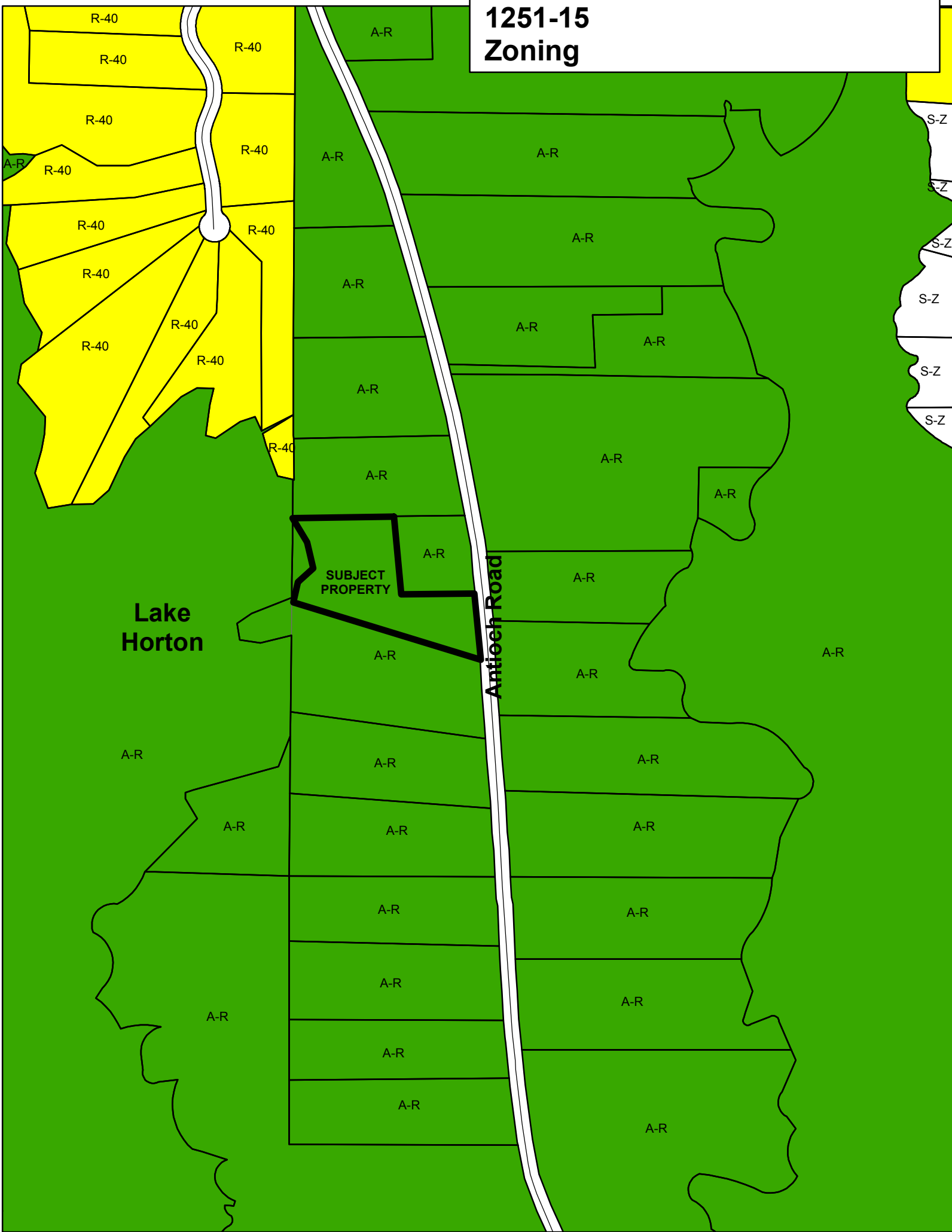
1. The subject property lies within an area designated as Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request does not conform to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. However, approval of this rezoning request could provide legal leverage for the rezoning of other properties in the Agricultural - Residential (1 unit/5 Acres, 5 Acre Min) land use area to zoning districts that require less than a five (5) acre lot size or density.
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 an A-R single-family residential district do not support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL**.

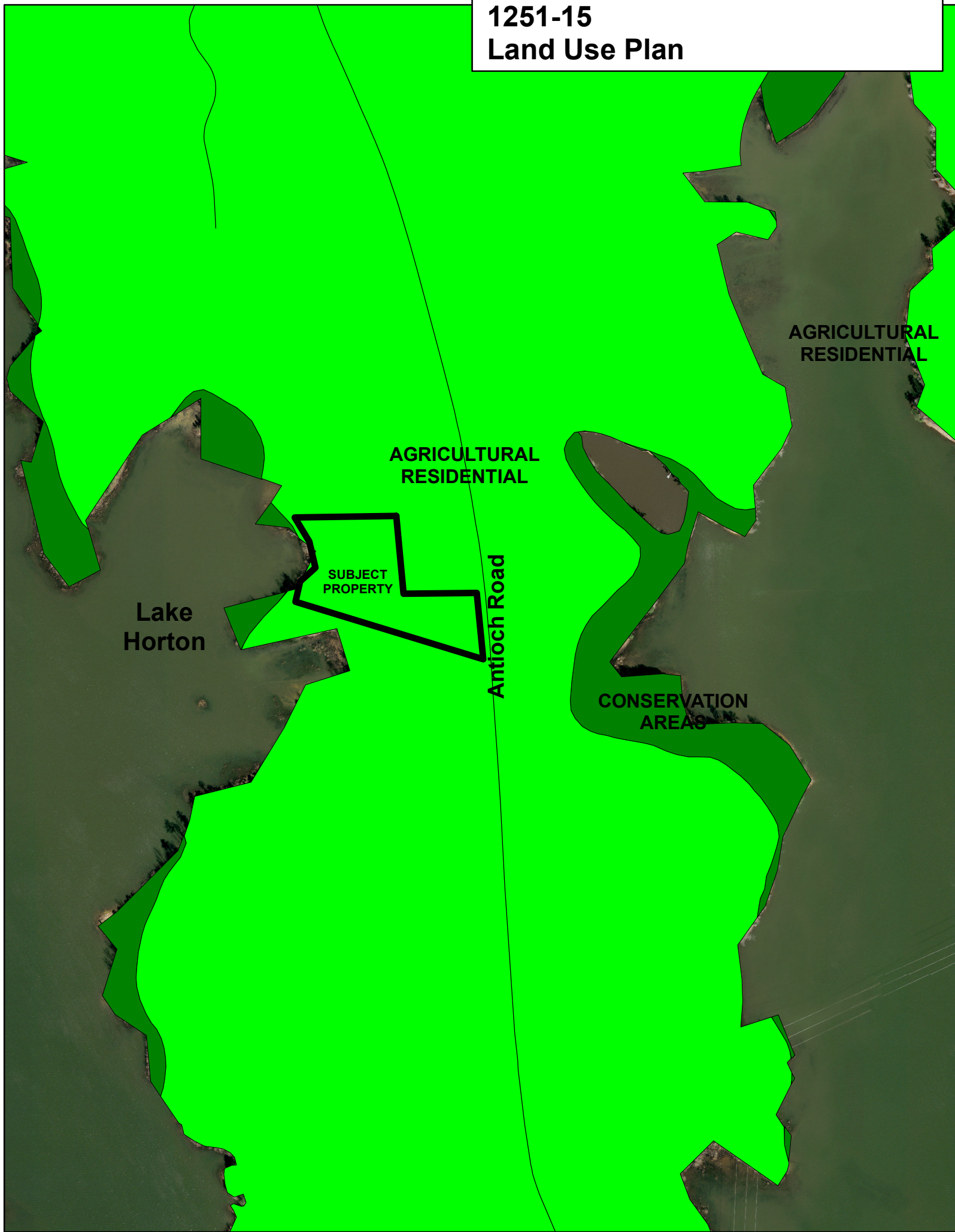
1251-15 Zoning Proximity Map



1251-15
Zoning



1251-15
Land Use Plan



**Lake
Horton**

**AGRICULTURAL
RESIDENTIAL**

**SUBJECT
PROPERTY**

Antioch Road

**CONSERVATION
AREAS**

**AGRICULTURAL
RESIDENTIAL**

1251-15
Aerials



**SUBJECT
PROPERTY**

Antioch Road

PETITION NO: 1252-15 & RP-058-15

REQUESTED ACTION: R-20 to A-R

PROPOSED USE: Residential - A-R

EXISTING USE: Residential

LOCATION: Bankstown Road

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 62

OWNER: Jeffrey Anderson, Jr.

PLANNING COMMISSION PUBLIC HEARING: November 5, 2015

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2015

APPLICANT'S INTENT

Applicant proposes to develop an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision.

STAFF RECOMMENDATION

APPROVAL

1.

1252-15 & RP-058-15

INVESTIGATION

A. PROPERTY SITE

The subject property is an 8.87 acre tract fronting on Bankstown Road in Land Lot(s) 62 of the 4th District. Bankstown Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned R-20.

History: The Survey for P.K. Dixon Final Subdivision Plat was approved by the W.E. Strother, Sr. (Fayette County Engineer) on December 16, 1972 and recorded on February 8, 1973. The subject property consists of lots 7 and 8. Fayette County tax records indicate that the single-family residence was built in 1979.

B. SURROUNDING ZONING AND USES

The general situation is an 8.87 acre tract that is zoned R-20. In the vicinity of the subject property is land which is zoned R-20 & 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	4.022	R-20	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
South	11.00	A-R	Vacant	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
East	40.50	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
West (across Bankstown Road)	40.21	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	12.59	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)
	53.80	A-R	Single-family Residential	Agricultural Residential (1 Unit/ 5 Acres, 5 Acre Min.)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-20 to A-R for the purpose of developing an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision.

The Concept Plan indicates that the existing single-family dwelling is approximately 44 feet from the side property line and will not meet the 50 foot side yard setback for A-R.

Section 110-170. of the Zoning Ordinance states:

A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein.

Staff is recommending a condition that a variance for the existing single-family dwelling's encroachment into the side yard setback be authorized by the Zoning Board of Appeals within 180 days from the effective date of this rezoning, if approved, and prior to the approval of the Minor Revision of the Final Plat (see Minor Revision to a Final Plat below). If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals.

RP-058-15

Sec. 104-595. Approval of subdivisions. (2), k. of the Subdivision Regulations states:

....Proposed revisions to a recorded minor subdivision plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or **changes the principal use on lots** will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public bearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice.

The rezoning of the subject property from R-20 to A-R will change the permitted and conditional uses on these lots.

Minor Revision to a Final Plat

As stated above, the Survey for P.K. Dixon Final Plat was approved on December 16, 1972 and recorded on February 8, 1973, and consists of eight (8) lots zoned R-20. This is a request to rezone lots 7 and 8 to A-R.

The A-R Zoning District requires a minimum five (5) acre lot. The subject property consists of lots 7 (4.389 acres) and 8 (4.757 acres) as indicated on the Survey for P.K. Dixon Final Plat. It will be necessary to submit a Minor Revision to a Final Plat to combine lots 7 and 8 to meet the minimum five (5) acre requirement and depict the A-R setbacks.

E. DEPARTMENTAL COMMENTS

Water System

1552-15 is approved. No facilities.

Public Works/Engineering

No comments from Engineering. This is a Collector and we have existing 80', so no additional is needed.

Environmental Management

Floodplain - The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0165E dated Sept 26, 2008.

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 will not apply.

Groundwater - The property IS NOT within a groundwater recharge area.

Stormwater - This development is NOT subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

After speaking with you today about the above referenced rezoning and having a better understanding of the proposal, this department has no objections to the rezoning to join these two existing lots.

Fire

The bureau of fire prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-20 to A-R for the purpose of developing an A-R lot consisting of 8.87 acres and to add A-R uses to the Subdivision. 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 Agricultural - Residential (1 unit/5 Acres, 5 Acre Min). 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 an A-R single-family residential district support these petitions (1251-15 & RP-058-15).

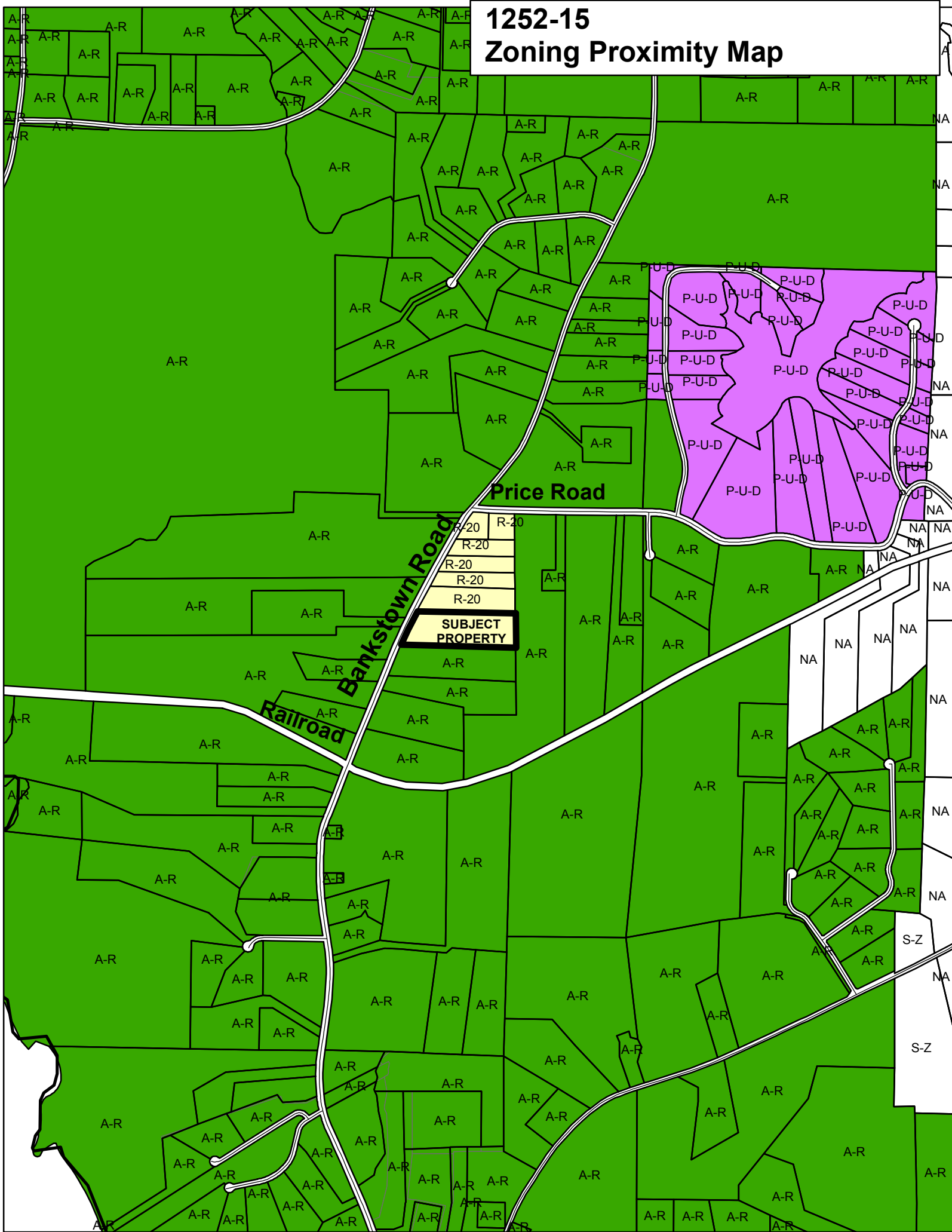
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL**.

RECOMMENDED CONDITIONS

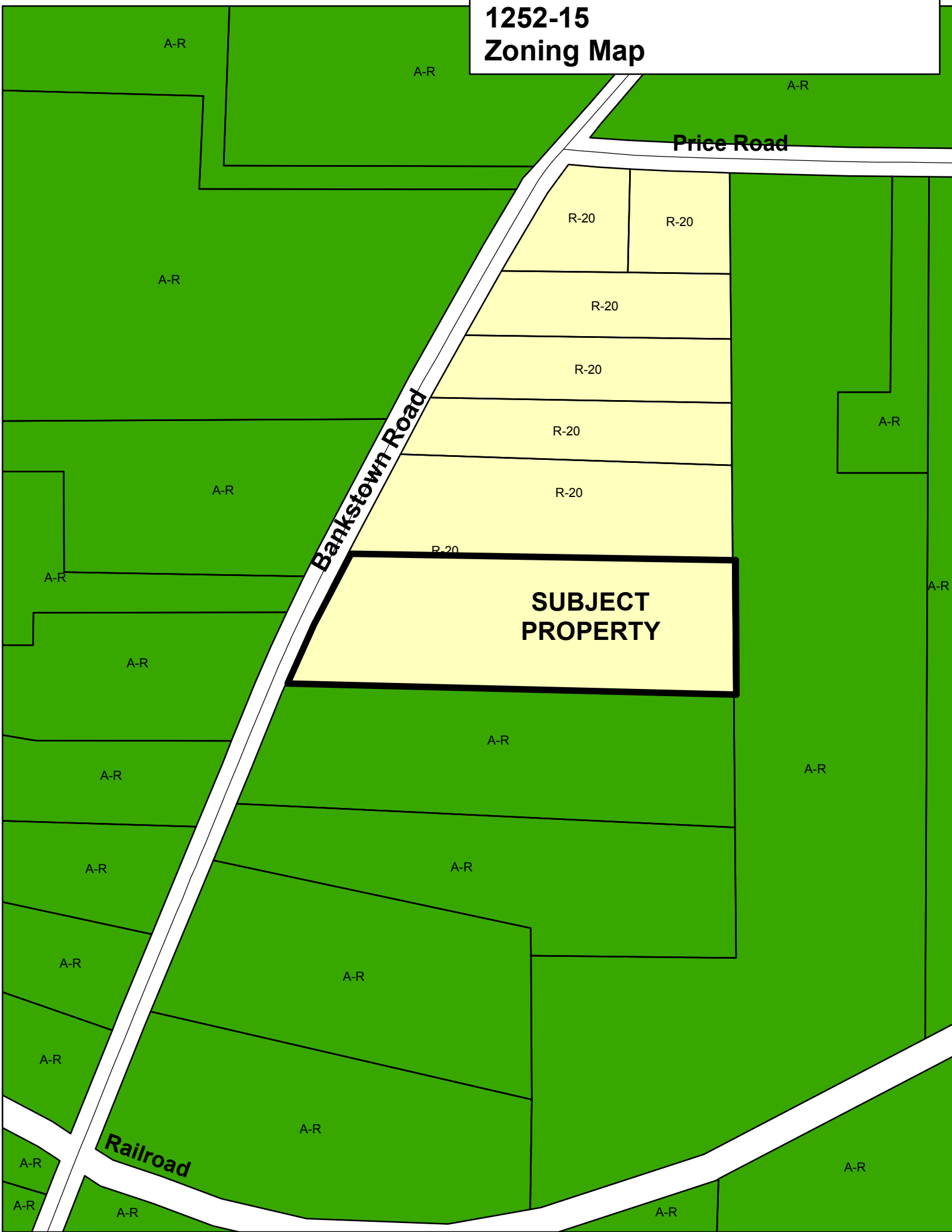
If this petition is approved by the Board of Commissioners, it should be approved **A-R CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated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

1. That a variance for the existing single-family dwelling's encroachment into the side yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to the approval of the Minor Revision to a Final Plat. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the property owner agrees to remove that portion of the existing single-family dwelling encroaching into the side yard setback within 30 days from the date of the expiration. *(This condition is required for compliance with the Zoning Ordinance, Section 110-170.)*
2. That the Minor Revision to the Survey for P.K. Dixon Final Plat be revised to combine lots 7 and 8 to meet the minimum A-R five (5) acre requirement and depict the A-R setbacks prior to establishing any uses or structures permitted under the A-R zoning district.

1252-15 Zoning Proximity Map



1252-15
Zoning Map



Price Road

Bankstown Road

Railroad

**SUBJECT
PROPERTY**

1252-15

Land Use Plan Map

Price Road

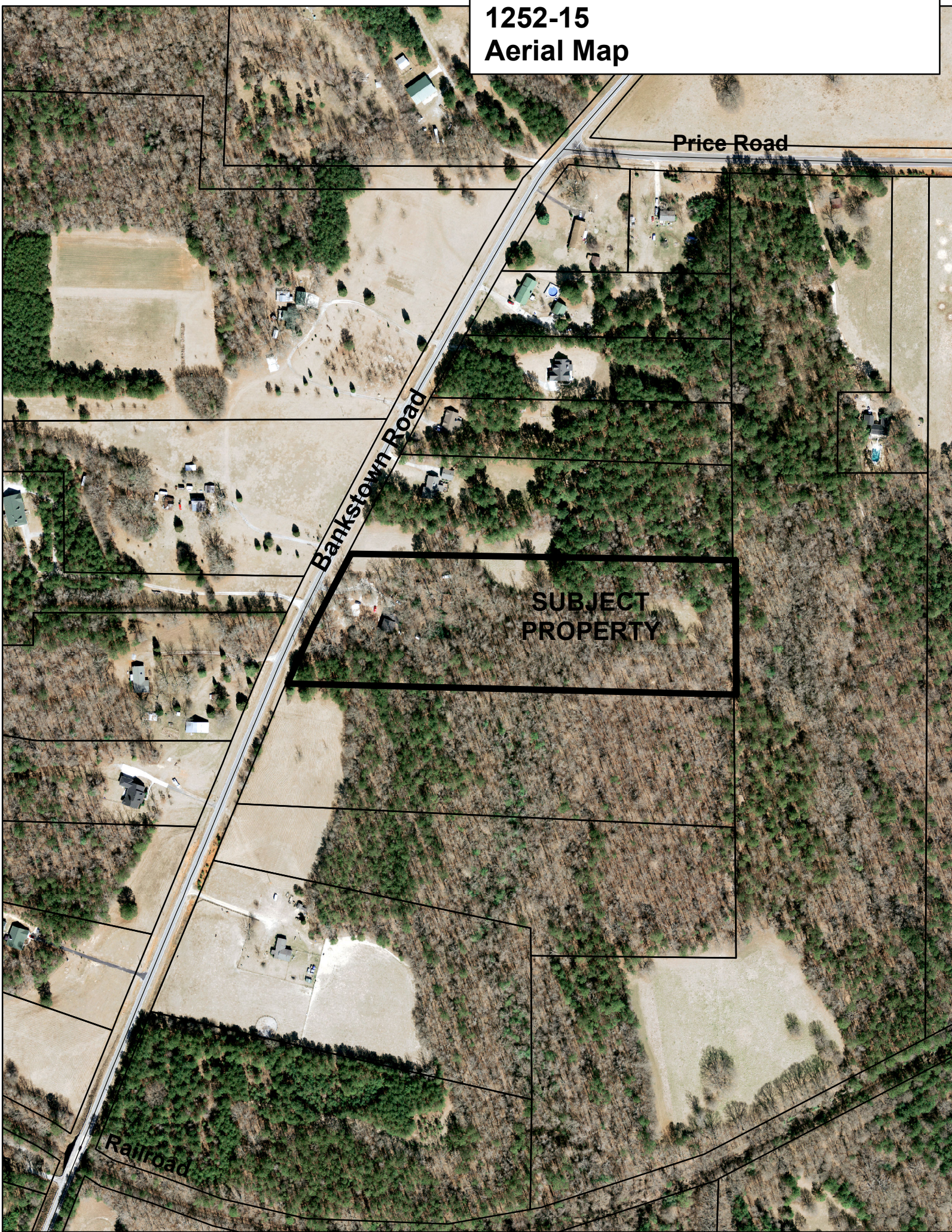
Bankstown Road

**SUBJECT
PROPERTY**

**AGRICULTURAL
RESIDENTIAL**

Railroad

1252-15
Aerial Map



Price Road

Bankstown Road

SUBJECT
PROPERTY

Railroad

Sec. 110-169. - Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

- (1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.
- (2) *Conditional uses allowed.*
 - i. *Care home, convalescent center and/or nursing home.* Allowed in the C-C, C-H, and O-1 zoning districts.
 1. Minimum lot size: three acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. **A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.**
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. The facility shall comply with all licensing requirements of the state.
 6. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one seating, and central recreational facilities shall be provided.
 7. Twenty-four-hour staff shall be required.
 8. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e., hallways, corridors, etc.).

- j. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)j.2(ii), (iii) and (iv) of this section.
 2. *Pet cemetery,*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.
 - (iii) The remains shall be a minimum of three feet below the grade.
 - (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.
 - (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
 - (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
 - (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 - (viii) Landscape areas shall be required and planted in accordance with chapter 104.

- I. *Child care facility.* Allowed in C-C, C-H, O-1, A-R, and MHP zoning districts, and church and/or other place of worship.
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. Outdoor play areas shall be located to the side or rear of the principal building.
 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 4. A fence measuring at least four feet in height shall enclose the entire play area.
 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 8. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
- m. *Church and/or other place of worship.* Allowed in O-1, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.
 1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as

regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
9. Landscape areas shall be required in accordance with chapter 104.
10. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main sanctuary building;
 - (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
 - (iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.
- n. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 1. The lot area shall be at least ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.
 6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
 7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
- aa. *Hospital.* Allowed in the C-C, C-H, O-1, and A-R zoning districts.
 1. Minimum lot size: ten acres.

2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. ~~A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.~~
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
 6. Heliport.
- II. *Recreation centers ~~and similar institutions~~ owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.
1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. ~~A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in Sec. 110-169: Care home, convalescent center and/or nursing home, Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.~~
 4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.

(iii) Rear yard: 75 feet.

5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.