



### **BOARD MEMBERS**

John H. Culbreth, Sr., Chairman  
Danny England, Vice-Chairman  
Brian Haren  
Arnold L. Martin, III

### **STAFF**

Peter A. Frisina, Director  
Chanelle N. Blaine, Zoning Administrator  
Howard Johnson, P & Z Coordinator

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**September 3, 2020**  
**7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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1. Consideration of the Minutes of the Planning Commission meeting held on August 20, 2020.

### **PUBLIC HEARING**

2. Consideration of Petition No. 1293-20, Wright Chancey, LLC, Owner, and, Rod Wright, Agent, request to rezone from R-55 Cond. to R-55 Cond. to amend a condition of rezoning concerning the number of driveway curb cuts. This property is located in Land Lot 31 of the 5th District and fronts on Redwine Road. **(Applicant has requested to withdraw this petition.)**
3. Consideration of Petition No. 1294-20, Iris Williams, Owner, request to rezone 3.00 acres from R-45 conditional to R-40 to develop two single-family residential lot. The subject property is located in Land Lot(s) 74 & 75 of the 5<sup>th</sup> District and fronts on South Jeff Davis Drive.

### **OLD BUSINESS**

4. Discussion of O-I and the SR 54 Special Development District
5. Discussion of the Fayette County Sign Ordinance

This Public Hearing will be live-streamed at:

<https://livestream.com/accounts/4819394?query=fayette%20county&cat=account>

The call-in number of 770-305-5277 is provided for those who would like to make public comment during this Public Hearing.

**Pete Frisina**

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**From:** Rod Wright <thesubdivider@gmail.com>  
**Sent:** Monday, August 24, 2020 7:48 AM  
**To:** Pete Frisina; Steven L. Jones; Rod Wright  
**Subject:** Lot 5 and 6 Hanley Estates rezoning application

**\*External Email\*** Be cautious of sender, content, and links

Pete

I am requesting to withdraw the application of rezoning for shared driveway cut reconsideration.

Thank you

Rod Wright

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RODWRIGHTCORP

PO Box 629 - Fayetteville, GA 30214

(770) 294-7990 phone

(770) 460-5109 fax

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**REQUESTED ACTION:** R-45 Conditional to R-40

**PROPOSED USE:** Single-Family Residential

**EXISTING USE:** Single-Family Residential

**LOCATION:** South Jeff Davis Drive

**DISTRICT/LAND LOT(S):** 5th District, Land Lot(s) 74 & 75

**OWNER:** Iris Williams

**PLANNING COMMISSION PUBLIC HEARING:** September 3, 2020

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 24, 2020

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**APPLICANT'S INTENT**

Applicant proposes to develop two (2) single-family residential lots on 3.00 acres.

**STAFF RECOMMENDATION**

**APPROVAL**

## INVESTIGATION

### A. PROPERTY SITE

The subject property is a 3.00 acre tract fronting on South Jeff Davis Drive in Land Lots 74 and 75 of the 5th District. South Jeff Davis Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence.

**History:** On June 25, 1992 the Board of Commissioners approved rezoning request (801-92) to rezone 57 acres from A-R and R-20 to R-45 Conditional for a residential subdivision. The approved conditions are as follows:

1. That the development tie onto the County water system and provide fire hydrants as per plat submitted by the Fayette County Fire Marshal.
2. That the owner/developer dedicate, at no cost to Fayette County, 20 feet of right-of-way to create a total of 50 feet of right-of-way, as measured from the centerline of South Jeff Davis Drive (refer back to E. Zoning/Regulatory Review, Right-of-Way).
3. That all new structures be set back a minimum of 70 feet from the proposed right-of-way of South Jeff Davis Drive.
4. That Lots #1 and #16, as depicted on the Concept Plan, shall not directly access South Jeff Davis Drive.

The subject property was included in this rezoning. The Concept Plan for the rezoning indicates proposed lots in the area of the subject property fronting and accessing South Jeff Davis Drive and not fronting or accessing an internal street. (See attached)

The Final Plat for Warren Lake Subdivision Phase II did not include the subject property as a lot as there was not a lot number depicted on the subject property (See attached Final Plat). The Warranty Deed for the subject property does not reference the Final Plat for Warren Lake Subdivision Phase II.

### B. SURROUNDING ZONING AND USES

The general situation is a 3.0 acre tract that is zoned R-45 Conditional. In the vicinity of the subject property is land which is zoned R-45, R-20 and 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 (across South Jeff Davis Drive)	3.00	R-20	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
	2.00	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
	1.70	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
	8.56	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
South (lots in Warren Lake Subdivision)	1.76	R-45	Vacant	Low Density Residential (1 Unit/1 Acre)
	2.08	R-45	Vacant	Low Density Residential (1 Unit/1 Acre)
East	3.72	R-45	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
West	1.00	R-45	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)

**C. COMPREHENSIVE PLAN**

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

**D. ZONING/REGULATORY REVIEW**

The applicant seeks to rezone from R-45 Conditional to R-40 for the purpose of developing two (2) single-family residential lots. One of the lots currently contains a single-family residence of 1,724 square feet which meets the minimum floor area for the R-40 zoning district. The applicant’s Letter of Intent indicates the proposed single-family residence will be 1,560 square feet which meets the R-40 zoning district. The R-45 zoning district requires a 1,800 square foot minimum floor area.

**Comparison of Zoning District Requirements**

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line
R-45	F - 60' Arterial F - 60' Collector F - 40' Minor S - 20' R - 35'	1 acre w/water  1.5 acres w/well	1,800 sq ft	125'
R-40	F - 60' Arterial F - 60' Collector F - 40' Minor S - 15' R - 30'	1 acre w/water  1.5 acres w/well	1,500 sq ft	150' - Arterial 150' – Collector 125' - Minor

In addition, the applicant is requesting that the conditions from the previous rezoning be removed through this request for R-40 zoning (See History above). The approved conditions are as follows:

1. That the development tie onto the County water system and provide fire hydrants as per plat submitted by the Fayette County Fire Marshal. *(The Warren Lake Subdivision did tie into the County water system and the Final Plats indicate fire hydrant locations.)*
2. That the owner/developer dedicate, at no cost to Fayette County, 20 feet of right-of-way to create a total of 50 feet of right-of-way, as measured from the centerline of South Jeff Davis Drive (refer back to E. Zoning/Regulatory Review, Right-of-Way). *(The applicant's survey indicates an 80 foot right-of-way. When the applicant submits a Final Plat to subdivide the subject property Sec. 104-597, (7) of the Subdivision Regulations require the dedicated of the needed right-of-way along South Jeff Davis Drive at no cost to the County.)*
3. That all new structures be set back a minimum of 70 feet from the proposed right-of-way of South Jeff Davis Drive. *(With the additional needed right-of way, the existing single-family residence will be setback approximately 65 feet per the County's GIS aerials. The R-40 Zoning district will require a 60 foot setback for the new single-family residence from the new right-of-way. Staff does not have an issue with removing this condition as the location of the new single-family residence will be in character with the existing single-family residence.)*
4. That Lots #1 and #16, as depicted on the Concept Plan, shall not directly access South Jeff Davis Drive. *(The subject property was not indicated as either Lot #1 or #16 on the rezoning Concept Plan (See attached).)*

### **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. DEPARTMENTAL COMMENTS**

### **Water System**

Fayette County Water System has reviewed the above referenced petition and has no comment at this time.

### **Public Works/Engineering**

South Jeff Davis Drive is a minor arterial, so 50-ft of right-of-way is required as measured from the centerline of the road.

Applicant is advised that minimum sight distance requirements shall be satisfied to create a new lot. For the posted speed limit of 45 mph, 500 feet of sight distance is required. This will be field-checked by Fayette County prior to plat approval.

Applicant is advised to check the minimum contiguous area after the ROW dedication is made.

### **Environmental Management Department**

**Floodplain** The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0113E dated Sept 26, 2008. The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The minimum finished floor elevation will be based on 3 feet above the highest elevation the lake impoundment.

**Wetlands** The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

**Watershed** The lake on site **IS** subject to a Watershed Protection buffer of 50 feet rested vegetation (whichever is greater) and a 25 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 has no objections to the proposed rezoning to develop 2 residential lots with Lot 1 having an existing residence on it and lot 2 being undeveloped. Our department has no records of the original septic system for the current residence on Lot 1, but it has been reported previously to departmental staff as being off the left side of the house which may have it crossing the proposed property line. If this is the case, then the septic system for lot 1 will need to be fully relocated within the proposed new property lines of lot 1. Additionally, due to the location of a possible well on lot 1 that will affect the available usable septic area for any future structure proposed for lot 2, it is strongly recommended that the well on lot 1 be properly abandoned, plugged and filled by a GA Licensed Well Driller, and the house be served by public water. Otherwise, there will be a significant impact of available septic areas for the future lot 2 in that any septic system must be at least 100' from all wells. With the amount of area on lot 2 that contains the lake, available septic area will be severely limited. Any future septic system permit application submitted for the proposed lot 2 will require a Level 3 soils report and certificate of insurance from a GA Certified Soil Classifier, in addition to the proposed site plans and proposed floor plan for the residence.



## STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-45 Conditional to R-40 for the purpose of developing two (2) single-family residential lots. Per Section 110-300 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 Acre). 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**.

August 9, 2020

Mr. Peter Frisina  
Fayette County Planning and Zoning  
140 Stonewall Avenue West  
Fayetteville, GA 30214

Mr. Iris Williams  
1019 S. Jeff Davis Dr.  
Fayetteville, GA 30215  
RE: Rezoning 1294-20

Dear Mr. Frisina,

My name is Mr. Iris Williams and I have resided at my home at 1019 S. Jeff Davis Dr. Fayetteville, GA 30215 for the past thirteen years. I am submitting this request for consideration to rezone my three-acre property, at the aforementioned address, from R-45 Conditional to R-40.

As a parent striving to provide long term opportunities for my family. And as an individual growing in age looking at the realities that the future will bring. I originally applied for rezoning because I was told my property was A-R and I wanted to subdivide my property to build a house for my children. Allowing them the opportunity to experience independence in an economically feasible way. While at the same time having them close enough to assist as age may alter my abilities and capabilities to care for the property and possibly myself.

As a result of my original request, you determined that my property has been rezoned as R-45 Conditional. As my property was included in the rezoning for the Warren Lake subdivision located behind my property. I was unaware of the fact that my property had been included in that rezoning. I am seeking R-40 zoning for my property because I would like to build a house of approximately 1,560 square feet. Which is allowed under R-40 guidelines, where R-45 requires an 1,800 square foot structure.

In addition, I would like consideration for the rezoning conditions to be removed from my property. Especially the condition that increased the setback along South Jeff Davis Dr. from 60 feet to 70 feet. My property includes a run-off lake and that 70-foot setback and dedication of 10 feet of right-of-way will limit the area for the house when I subdivide.

I would greatly appreciate consideration in this matter. And I look forward to being able to move forward with the future for my family.

Sincerely,



**1294-20  
Zoning**

A-R

R-20

Warren Way

South Jeff Davis Drive

**SUBJECT  
PROPERTY**

Lamar Lane

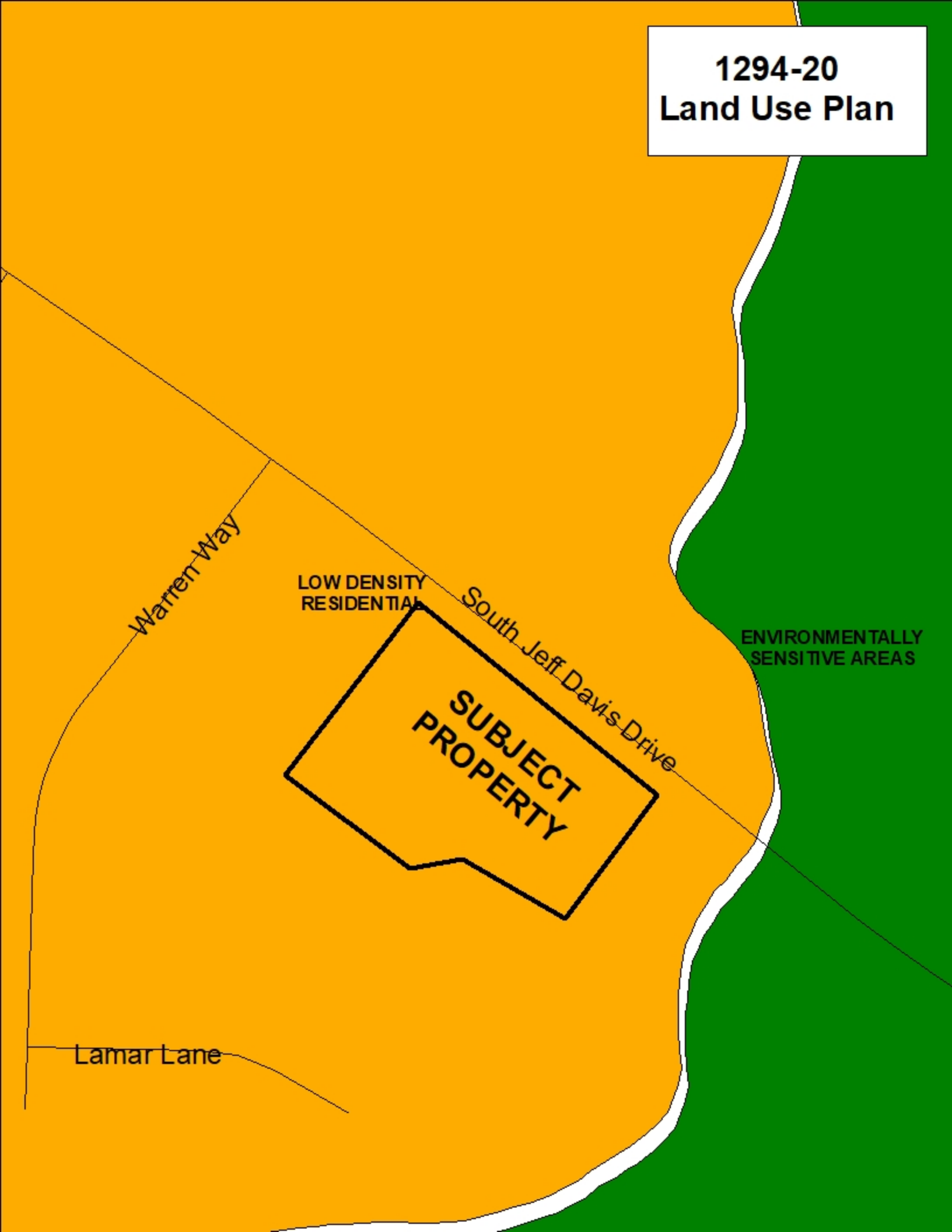
R-40

R-45

R-45

R-45

**1294-20  
Land Use Plan**



Warren Way

LOW DENSITY  
RESIDENTIAL

South Jeff Davis Drive

ENVIRONMENTALLY  
SENSITIVE AREAS

**SUBJECT  
PROPERTY**

Lamar Lane

**1294-20  
Aerials**



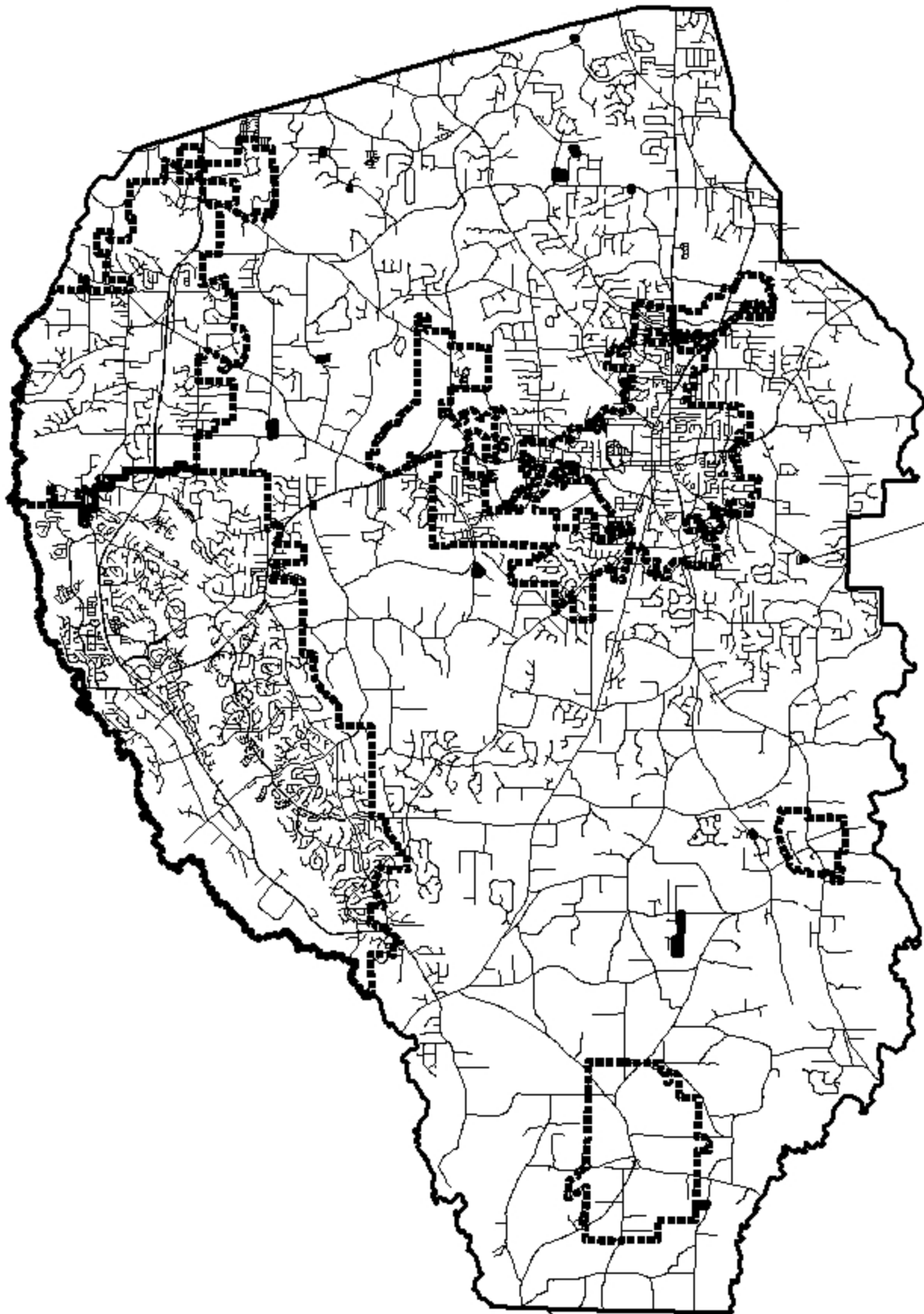
Warren Way

South Jeff-Davis Drive

**SUBJECT  
PROPERTY**

Lamar Lane

**1294-20  
County Proximity**



**SUBJECT  
PROPERTY**

SOUTH JEFF DAVIS DRIVE

231.5' 222.1'

LOT 2  
1.33 AC

LOT 1  
1.67 AC

FUTURE FLOOD LIMIT

NASH CREEK

25' SETBACK  
50' BUFFER

20' BL  
20' BL

40' BL

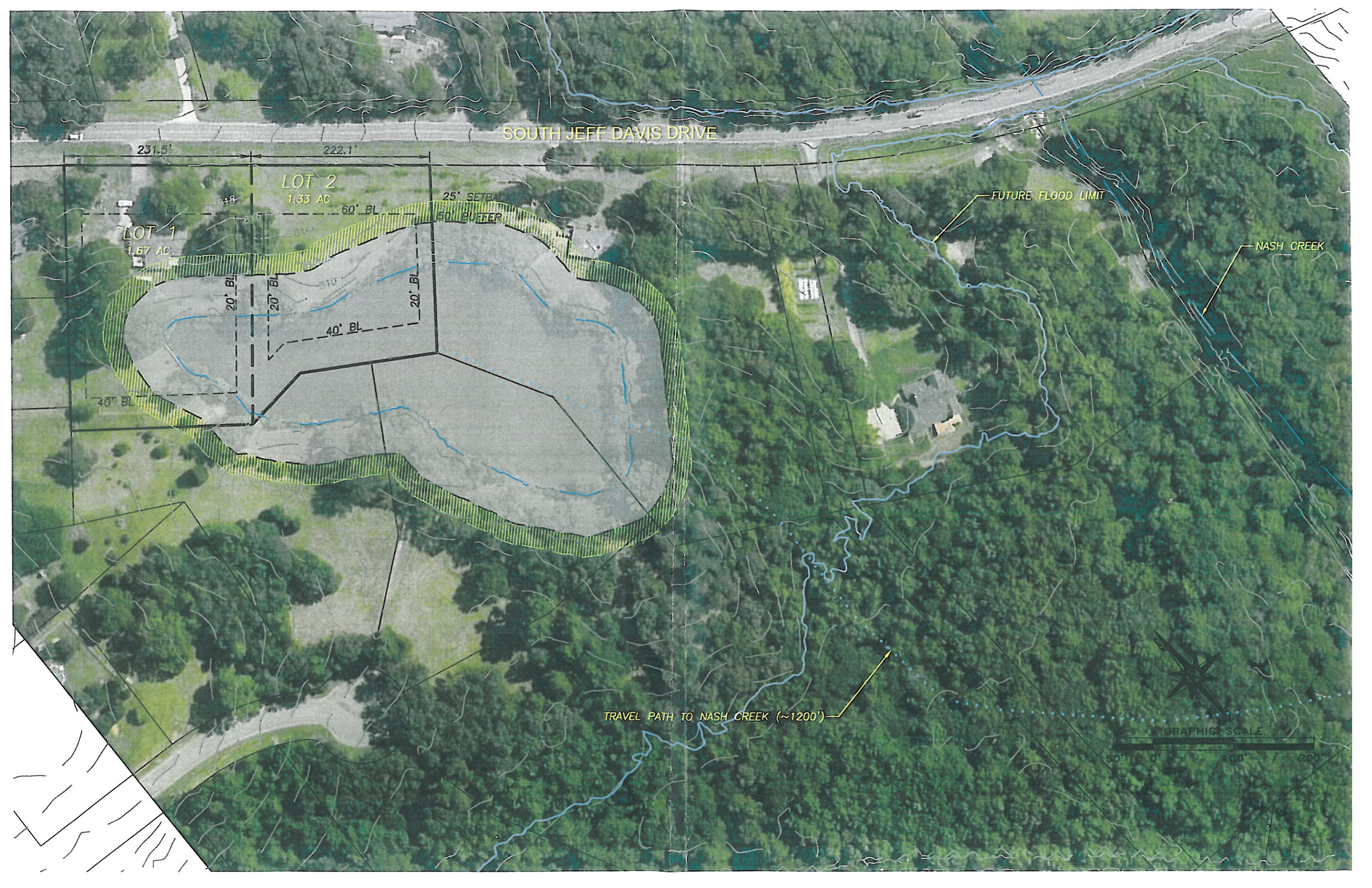
40' BL

TRAVEL PATH TO NASH CREEK (~1200')



GRAPHIC SCALE

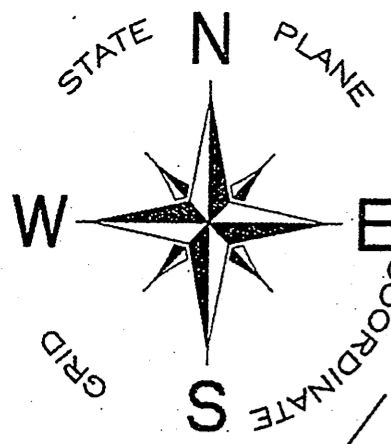
50' 0' 100' 200'







COPY



LL 74  
 LL 75  
 APPROX. L.L.L.

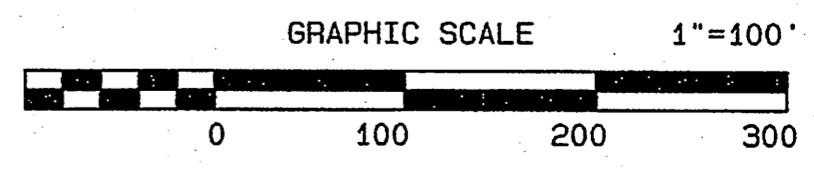
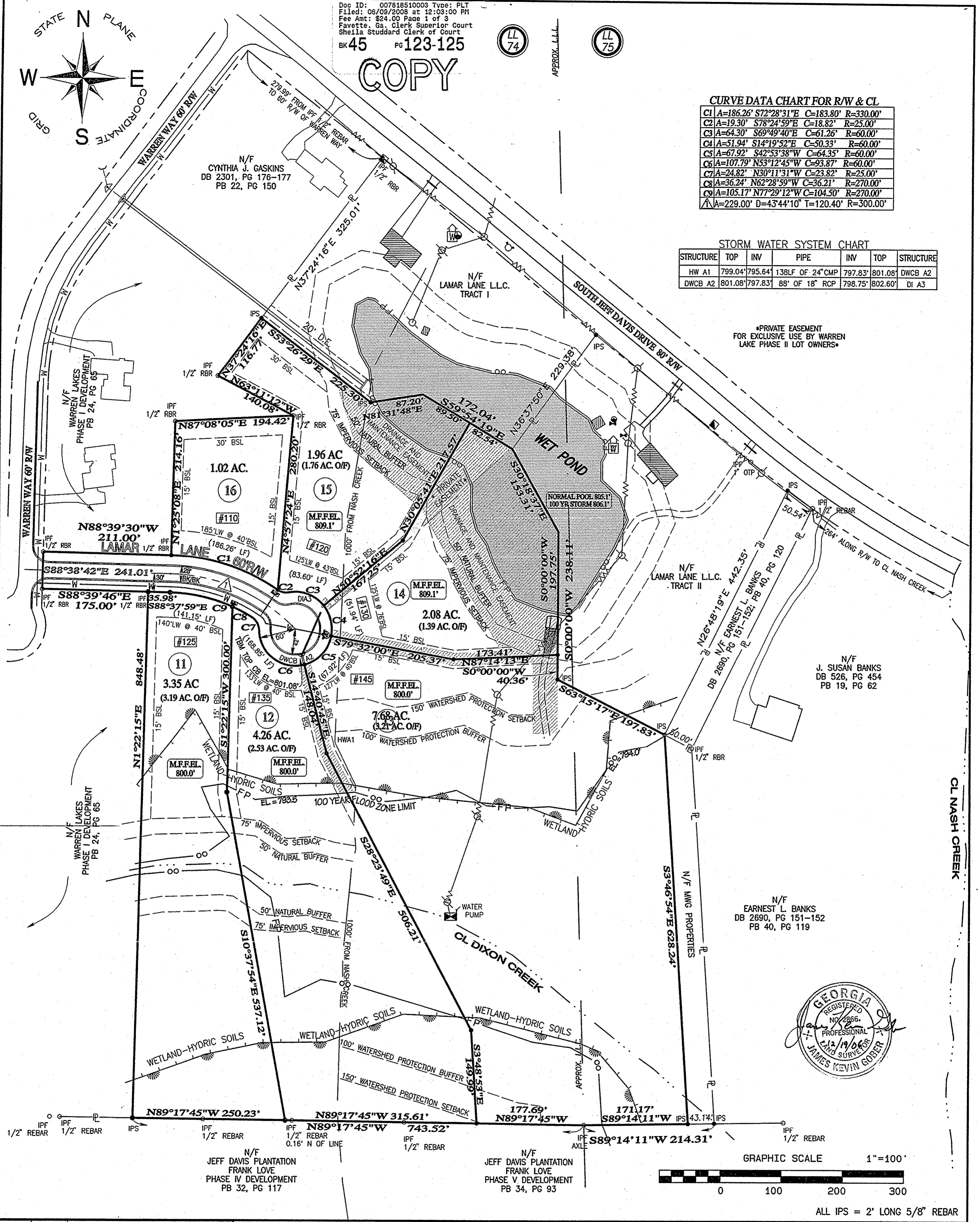
CURVE DATA CHART FOR R/W & CL

C1	A=186.26'	S72°28'31"E	C=183.80'	R=330.00'
C2	A=19.30'	S78°24'59"E	C=18.82'	R=25.00'
C3	A=64.30'	S69°49'40"E	C=61.26'	R=60.00'
C4	A=51.94'	S14°19'52"E	C=50.33'	R=60.00'
C5	A=67.92'	S42°53'38"W	C=64.35'	R=60.00'
C6	A=107.79'	N53°12'45"W	C=93.87'	R=60.00'
C7	A=24.82'	N30°11'31"W	C=23.82'	R=25.00'
C8	A=36.24'	N62°28'59"W	C=36.21'	R=270.00'
C9	A=105.17'	N77°29'12"W	C=104.50'	R=270.00'
Δ	A=229.00'	D=43°44'10"	T=120.40'	R=300.00'

STORM WATER SYSTEM CHART

STRUCTURE	TOP	INV	PIPE	INV	TOP	STRUCTURE
HW A1	799.04'	795.64'	138LF OF 24" CMP	797.83'	801.08'	DWCB A2
DWCB A2	801.08'	797.83'	88' OF 18" RCP	798.75'	802.60'	DI A3

\*PRIVATE EASEMENT FOR EXCLUSIVE USE BY WARREN LAKE PHASE II LOT OWNERS\*



ALL IPS = 2' LONG 5/8" REBAR

FINAL PLAT OF SURVEY FOR  
**WARREN LAKE PHASE II**

**CORNERSTONE**  
 ENGINEERING & LAND SURVEYING INC.

PROJECT NO. -06  
 DATE: 9/28/06

NO.	DATE	REVISION
1	12/18/06	AS PER COUNTY COMMENTS

LOCATED IN  
 LAND LOTS 74 & 75 ~ 5th DISTRICT  
 FAYETTE COUNTY, GEORGIA

P.O. BOX 474  
 FAYETTEVILLE, GA 30214  
 770 616-8475

SCALE: 1"=100'  
 SHEET NO. 2 OF 3

(h) State Route 54 West Special Development District

(1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five (5) acres or greater.

(2) On parcels zoned O-I with a minimum of five (5) acres the following expanded business uses are allowed:

- a Businesses that supply services, equipment and/or resources to the film industry
- b Call center
- c Cellular phone/communication device sales and/or service
- d Computer technology service, sales and/or repair
- e Medical equipment sales, rental and/or repair.
- f Restaurant, (no drive-through or drive-in)
- g Television/radio broadcasting studio, movie/music/media productions or telecommunications
- h Server farm/data center
- i Internal access self-storage facility

(i) No direct exterior access to individual storage units shall be allowed, all individual storage unit access shall be internal - the maximum size of an individual storage unit shall be 600 square feet

(ii) Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the self-storage facility shall require a canopy. Vehicle loading/unloading bays also be internal to the structure or between two (2) structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.

(iii) Office, business and building contractor space with **associated** inside storage shall constitute a minimum of ~~20~~ **10** percent of the total building footprint area proposed for the ~~site~~ **internal access self-storage structure(s)** excluding the footprint of a **separate** vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. **The office, business and building contractor space may be located within the internal access self-storage structure or an equivalent amount of office, business and building contractor space may be located in a separate structure.**

(iv) No outside storage of materials or equipment shall be allowed.

(v) A vehicle, boat, and/or trailer storage structure shall be fully enclosed. This use shall only be allowed in conjunction with an internal access self-storage facility.

- (3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.
- (4) Mixed residential/office use. Based the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.

**Sec. 110-173. - Transportation corridor overlay zone.**

For the purposes of this section, a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

- (1) *SR 54 West Overlay Zone.* All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City.
  - a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
    1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
    2. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
    3. To protect the aesthetics for existing and future residential areas in this highway corridor.
  - b. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
  - c. Dimensional requirements.
    1. All parking areas shall be located at least 50 feet from any state route right-of-way.
    2. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
    3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
    4. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten feet from the side property line.
  - d. Architectural standards. Structures shall maintain a residential character. Applicants for rezoning shall submit elevation drawings of proposed structures. These elevations should

be detailed enough to convey the design intent of the project and should communicate the overall size, shape and mass of the structure, as well as details and architectural features of note such as roof structure, building materiality, windows and doors, entry canopies/awnings, etc. Elevation drawings will be to a common architectural scale and must contain the following information: overall building height to roof eave, and top of roof, overall building width, per elevation, height of each floor plate, locations and design of windows and doors and exterior materials.

Subsequent to rezoning approval, elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:

1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta; **(Discussion needed)**
2. Gasoline canopy. Gasoline canopies shall also comply with the following requirements:
  - (i) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
  - (ii) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
  - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
  - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
3. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
4. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two foot high