Print Form

COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Peter Frisina

Preferred Meeting Date: Thursday, March 27, 2008

Wording for the Agenda:

Consideration of Petition No. 1205-08, Rendley Norris, Owner/Agent, request to rezone 4.11 acres from R-40 to O-I to develop a Real Estate Brokers Office and Business Offices. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314.

Background/History/Details:

Staff and Planning Commission recommended denial of this petition.

What action are you seeking from the Board of Commissioners?

Consideration of Petition No. 1205-08.

Staff recommended Denial. The P.C. recommended Denial (5-0).

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? No

If so, when? Thursday, March 27, 2008

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- (●) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Thursday, March 27, 2008

- ( ) Recognition/ Presentation
- (●) Public Hearing
- ( ) Old Business
- ( ) New Business
- ( ) Consent
- ( ) Report
- ( ) Other

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1205-08

APPLICANT: Rendley Norris
545 S.R. 279
Fairburn, GA 30213

STAFF RECOMMENDATION: **DENY**

PLANNING COMMISSION HEARING: March 6, 2008

PLANNING COMMISSION RECOMMENDATION: **DENY (5-0)**

BOARD OF COMMISSIONERS HEARING: March 27, 2008

COMMISSION DECISION: _____

REQUEST: Request to rezone 4.11 acres from R-40 to O-I to develop a Real Estate Brokers Office and Business Offices.

PARCEL SIZE: 4.11 acres

EXISTING USE: Residential

PROPOSED USE: Real Estate Brokers Office and Business Offices

LOCATION: Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314

ZONING OF SURROUNDING PROPERTY: R-40, R-45, and A-R

LAND USE PATTERN: in the vicinity of Office and Low Density Residential (1 unit/1 to 2 acres)

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Tim Thoms made a motion to deny the petition. Chairman Powell seconded the motion. The motion unanimously passed 5-0.

REASON(S) FOR RECOMMENDATION:

Not in compliance with the Fayette County Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION

DATE: March 6, 2008

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1205-08, the application of Rendley Norris to rezone 4.11 acres from R-40 to O-I, be:

_____ Approved _____ Withdrawn ___✓___ Disapproved

_____ Tabled until _____

This is forwarded to you for final action. 5-0

DOUGLAS L. POWELL, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

TIM THOMS

JIM GRAW

Remarks:

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

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

Date: March 11, 2008

Subject: Board of Commissioners Public Hearing, March 27, 2008

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the rezoning applications scheduled for public hearing on March 27, 2008.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1205-08	S.R. 279 and S.R. 314/Real Estate Brokers Office and Business Offices	**DENY**	**DENY (5-0)**
2-1	1206-08	S.R. 279 and S.R. 314/ Convenience Store with Gasoline Sales	**DENY C-C APPROVE O-I**	**APPROVE O-I WITH ONE (1) CONDITION (4-1)**
3-1	1207-08	S.R. 54 West/0.54 acres to be added to adjacent 5.31 acre tract zoned O-I	**APPROVE WITH ONE (1) CONDITION**	**APPROVE WITH ONE (1) CONDITION (5-0)**

DSD/rsw

cc: Jack Krakeel, Interim County Administrator
Scott Bennett, County Attorney
Peter A. Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

PETITION NO: 1205-08

REQUESTED ACTION: R-40 (Single-Family Dwelling) to O-I (Office-Institutional)

PROPOSED USE: Real Estate Brokers Office and Business Offices

EXISTING USE: Residential

LOCATION: S.R. 279 and S.R. 314

DISTRICT/LAND LOT(S): 13th District, Land Lot(s) 230

OWNER: Rendley Norris

APPLICANT: Rendley Norris

PLANNING COMMISSION PUBLIC HEARING: March 6, 2008

BOARD OF COMMISSIONERS PUBLIC HEARING: March 27, 2008

APPLICANT'S INTENT

Applicant proposes to develop a Real Estate Brokers Office and Business Offices consisting of two (2) lots on 4.11 acres.

STAFF RECOMMENDATION

DENY

INVESTIGATION

A. PROPERTY SITE

The subject property is a 4.11 acre tract fronting on S.R. 279 and S.R. 314 in Land Lot(s) 230 of the 13th District. S.R. 279 and S.R. 314 are classified as Major Arterial roads on the Fayette County Thoroughfare Plan. The subject property contains a single-family dwelling and currently zoned R-40.

B. SURROUNDING ZONING AND USES

The general situation is a 4.11 acre tract that is zoned R-40. In the vicinity of the subject property is land which is zoned R-40, R-45, 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	1.80	R-40	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
	.80	R-40	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
South (See Petition No. 1206-08 to rezone property from R-40 to C-C to develop a convenience store with gasoline sales)	1.16	R-40	Single-Family Dwelling	Office and Low Density Residential (1 unit/1 to 2 acres)
	1.6	R-40	Single-Family Dwelling	Office
East (across S.R. 279)	4.30	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
	4.00	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
	Providence S/D	R-45	Single-Family Residential Subdivision	Low Density Residential (1 unit/1 to 2 acres)

Direction	Acreage	Zoning	Use	Comprehensive Plan
West (across S.R. 314)	10.00	R-40	Liberty Baptist Church	Office and Low Density Residential (1 unit/1 to 2 acres)
	20.29	R-40	Single-Family Dwelling	Office and Low Density Residential (1 unit/1 to 2 acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 unit/1 to 2 acres) and Office. The majority of the subject property is within the Low Density Residential land use designation (see attached Land Use Plan map). The applicant has included a page from the previous Fayette County Land Use Plan 1993-2000 that indicated the subject property in an Office/Institutional land use designation. This page is from an addendum of the plan which contained Study Area Maps corresponding to Study Areas designated on the Fayette County Land Use Plan Map. These Study Area Maps were detailed land use maps where the boudaries of land use designations were based on actual parcel boundaries. In April of 2004, the Fayette County Land Use Plan was revised when it was combined into one document (the Fayette County Comprehensive Plan 2004-2025) with the Fayette County Comprehensive Growth Management Plan, which were previuosly two separate policy documents. In this revision, the aforementioned Study Areas were no longer utilized and land use designations were only depicted on the Fayette County Future Land Use Plan. A comparison of the Office land use area depicted on the present land use plan map for this intersection with the previous Study Area Map indicates that the area land used for Office was reduced in size and as a result some parcels, including the subject property, were removed from the Office land use area. As the majority of the subject property is within the Low Density Residential (1 unit/1 to 2 acres), this request does not conform to the Fayette County Comprehensive Plan. Objective L-2, Policy b. of the Land Use Element of the Fayette County Comprehensive Plan states "Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas." This is an area that could be reviewed to determine if the Office area should be better defined. This request is premature until such time that a review can be conducted.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-40 to O-I for the purpose of developing Real Estate Brokers Office and Business Offices.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-40 (existing zoning district)	F - 60' Arterial F - 60' Collector F - 40' Local S - 15' R - 30'	1 Acre* 1.5 Acres **	1,500 sq ft	150' Arterial 150' Collector 125' Minor	N/A
O-I (proposed zoning district)	F - 100' Arterial F - 70' Collector F - 55' Minor S - 15' R - 15'	1 Acre*** 0.5 Acre****	N/A	125'	30' buffer required adjacent to residential or A-R zoning districts

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

*** A minimum lot size of one (1) acre where a central sanitary sewage or central water distribution systems are provided.

**** One and one-half (1.50) acres where neither a central sanitary sewage nor a central water distribution system is provided.

State Route Overlay

Due to the frontage on S.R. 279 and S.R. 314, development of the property is subject to the requirements of the General State Route Overlay Zone. The Overlay Zone requirements are in addition to the zoning district requirements and any Conditional Use requirements, and in cases where there is a conflict between requirements, the most restrictive regulation applies. Overlay Zone requirements include, but are not limited to, the following: a 100 foot setback from the right-of-way of S.R. 279 and S.R. 314, a 50 foot setback for impervious surfaces from right-of-way of S.R. 279 and S.R. 314, and architectural standards for buildings which require a residential character including a pitched peaked roof, a residential façade, and doors and windows of a residential character.

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, a Final Plat must be submitted to the Planning & Zoning Department, approved by all applicable county departments, and recorded into public record.

Right-of-Way Requirements

S.R. 279 and S.R. 314 are classified as Major Arterial roads (major thoroughfares) on the Fayette County Thoroughfare Plan. These being State Routes, any dedication will be the responsibility of the Georgia Department of Transportation (GDOT) to secure from the property owner and must be indicated on the Final Plat.

Access

The Concept Plan submitted indicates one (1) access from S.R. 279 and one (1) access from S.R. 314; however, the GDOT has recommended that access to this property be gained from S.R. 314 alone.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Section 5-18. Screening Required and Section 5-19. Screening Standards of the Fayette County Zoning Ordinance and Section 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

The volume of trips generated by the proposed development can be estimated by use of the manual Trip Generation by the Institute of Traffic Engineers, currently in its 7th Edition. The tables for General Office Building (710) were used for evaluation of this proposed rezoning. Since the site is split with the new building proposed with access to SR 314 and the existing structure with access to SR 279, a separate analysis is presented for each. The trip generation rates per 1,000 square feet of gross floor area, is 11.57 for weekdays. 2.37 for Saturdays and 0.98 on Sundays.

Based on the ITE rates the new office development would be expected to generate 60 trip ends per weekday, 12 on Saturdays and 5 on Sundays onto SR 314. The existing structure converted to office use would be expected to generate 56 trip ends per weekday, 11 on Saturdays and 5 on Sundays onto SR 279. A single point of access on SR 314 would combine those totals.

Trip Generation Table for General Office Building (710)

SR 314 New Building with 5,218 sf

24-Hour by 1,000's SF	Weekday	Saturday	Sunday
Trip Gen, Rate	11.01	2.37	0.98.
1,000's of sf gfa	5.2	5.2	5.2
24 hr Trip Ends	**58**	**12**	**5**

SR 279 Existing Building with 4,754 sf

24-Hour by 1,000's SF	Weekday	Saturday	Sunday
Trip Gen, Rate	11.01	2.37	0.98
1,000's of sf gfa	4.8	4.8	4.8
24 hr Trip Ends	**53**	**11**	**5**

Per the Engineering Department, any entrance road work along S.R. 279 or S.R. 314 is subject to D.O.T. approval and permitting. Therefore, based on GDOT's position against access to SR 279, all site traffic would access the site from SR 314 for a total of 111 trips per weekday, 23 on Saturdays, and 10 on Sundays at that access point.

F. REVIEW OF CONCEPT PLAN

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

No deficiencies are detected on the Concept Plan.

G. DEPARTMENTAL COMMENTS

Water System

Water is available.

Engineering

Floodplain:

The property does not contain floodplain per FEMA FIRM panel 13113C0045D.

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:

There are no water bodies on the property per the USGS Riverdale Quadrangle (Photo revised 1982).

Groundwater Recharge Area:

This property is outside the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Stormwater:

The addition of 5,000 feet or more of impervious surface will result in the need for stormwater management.

Environmental Health Department

No comments regarding the rezoning request.

Fire and EMS

Any existing structures will be required to be compliant with the change in occupancy classification if rezoning is granted.

Public Works

All curb cuts to be approved by GDOT. Prohibit connectivity between Tract 1 & 2, or even if designed as one (1) parcel.

Board of Education

If this application is approved, school system data shows it will not impact the school system with additional students.

Georgia Department of Transportation

Sight distance at the proposed drive on S.R. 279 is questionable. It is recommended that access to this property be gained from S.R. 314 alone. The adjacent property at the corner of S.R. 314 and S.R. 279 is to be developed for a convenience store. Drives should meet all DOT sight distance and spacing requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-40 to O-I for the purpose of developing Real Estate Brokers Office and Business Offices. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 unit/1 to 2 acres) and Office. The majority of the subject property is within the Low Density Residential land use designation (see attached Land Use Plan map). The applicant has included a page from the previous Fayette County Land Use Plan 1993-2000 that indicated the subject property in an Office/Institutional land use designation. This page is from an addendum of the plan which contained Study Area Maps corresponding to Study Areas designated on the Fayette County Land Use Plan Map. These Study Area Maps were detailed land use maps where the boudaries of land use designations were based on actual parcel boundaries. In April of 2004, the Fayette County Land Use Plan was revised when it was combined into one document (the Fayette County Comprehensive Plan 2004-2025) with the Fayette County Comprehensive Growth Management Plan, which were previuosly two separate policy documents. In this revision, the aforementioned Study Areas were no longer utilized and land use designations were only depicted on the Fayette County Future Land Use Plan. A comparison of the Office land use area depicted on the present land use plan map for this intersection with the previous Study Area Map indicates that the area land used for Office was reduced in size and as a result some parcels, including the subject property, were removed from the Office land use area. As the majority of the subject property is within the Low Density Residential (1 unit/1 to 2 acres), this request does not conform to the Fayette County Comprehensive Plan. Objective L-2, Policy b. of the Land Use Element of the Fayette County Comprehensive Plan states "Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas." This is an area that could be reviewed to determine if the Office area should be better defined. This request is premature until such time that a review can be conducted.

2. The proposed rezoning could adversely affect the existing use or usability of adjacent or nearby residential property. Approval of this rezoning request could set a precedence providing legal leverage for the rezoning of residential lots fronting on SR 314 and SR 279 that are in the Low Density Residential (1 unit/1 to 2 acres) land use area north of the intersection.

3. The proposed rezoning will not result in a burdensome use of utilities or schools. The development of a Real Estate Brokers Office and Business Offices could produce a total of approximately 111 additional vehicular trips. GDOT has indicated in their response that a curb cut on SR 279 may not be possible and that the entire parcel be served with a curb cut on SR 314 only.

4. Existing conditions and the area's continuing development as a single-family residential district do not support this petition.

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

January 17, 2008

To: Planning Board Members and Board of Commissioners of Fayette County

Letter of Intent and Property Information

Re: Rendley Norris requests rezoning change of his personal home built in 1972 to Office Institutional classification – being 4.11 acres located at 545 Georgia Highway 279 Fayette County.

Subject property is currently zoned R-40 as shown on the Tax Plat Attached showing lot parcels and zoning classifications. The property adjoining me to the north and beyond is R-40 (1500 square foot minimum house size). The property across Highway 314 to the east is zoned R-40 including Liberty Baptist Church. The properties adjoining me to the south including the four corners of the intersection are zoned R-40 and shown on the Fayette County land use map as non-residential Office Institutional use. The property across Highway 279 to the southwest is Providence S/D zoned R-45 (2000 square foot minimum house size). Providence is a nice subdivision of 36 homes that I developed in 2000-2002, it has a D.O.T. approved entranceway with decel lane, no lots face or enter directly from Highway 279, there are no "thru streets" in the subdivision and have 25 mph speed limit signs posted. The acreage located directly across highway 279 and to the west from my property is zoned AR (1200 minimum square foot houses).

My property was added to Fayette County's land use plan and map as Office Institutional classification by the Board of Commissioners at their December 14, 1995 meeting. (See attached map of the land use plan 2000-2020.)

The Fayette County future land use plan and map 2004-2025 amended 6/28/2007 identifies my property as included in the general state route overlay zone as office institutional (see attached map).

There are two major thoroughfares in the north end of the county and my property has frontage on both. There has been an increase in traffic due to the growth Fayette County has experienced. However traffic does move freely on these highways due to the road re-alignment of the intersection and the four-laning from this intersection to Fayetteville. D.O.T. controls these highways and has plans to four-lane Highway 314 from the intersection to the airport in the year 2011 to 2015. The roadways are for all people to use, Fayette residents, travelers passing through to adjoining counties, business owners and their customers, not just homeowners.

The four-laning and road re-alignment has moved this intersection 700 feet closer to my property. I have lost the full enjoyment of my property for use as a residential home.

Fayette County's land use plan identifies my property as being on the edge of a development NODE and the Future Land Use Plan of this area states it is best suited for Office Institutional use. The property is located in the short-term growth area as stated in the Growth Management Plan.

Therefore I request my property to be rezoned to Office Institutional so it can be developed to its highest and best use.

My goal is to provide a viable use of my property for my benefit and use and to provide needed business locations in the north end of the county that will provide an economic benefit for all the citizens of Fayette County.

My home is an above average home being a four-sided brick veneer and stone ranch that will sit on 2.74 acres. This home is comparable to nicer homes located in subdivisions from surrounding areas. My home sits 150 feet back from the front property line and will require minimum grading for the required parking areas. People traveling past the property after conversion will notice little change.

Tract II property with 1.37 acres will only have access to and from Highway 314. The brick veneer office building to be constructed will have an appealing appearance from the road intersection and will blend in well with Liberty Baptist Church across the highway. The decel lane to be installed will also benefit the residential driveways for the property owners to the north.

This is a low-density development for 4.11 acres, constructing only one new building plus conversion of the existing other. There will be plenty of buffer areas surrounding this property. (See photos and development information attached.)

Sincerely yours,

Rendley Norris

Rendley Norris
Owner – Applicant

Applicant requests that this letter of intent and property information package be attached to the rezoning petition and forwarded to Planning Board members and Fayette County Board of Commissioners.

545 Highway 279

Existing home proposed for conversion to Real Estate and Business Office use

The changes and improvements required in the general transportation corridor overlay zone for O.I. will allow the property to continue it's residential appearance and remain compatible with houses in the surrounding areas.

The low density use of this 2.74 acres and the D.O.T. required addition of a decel lane and improved entranceway will continue to maintain the efficient flow of traffic on the roadway.

This development will achieve the general state route overlay zone purposes by continuing it's scenic appearance along the gateway into Fayette County.

(building example shown)

Location – 1.37 acres fronting Georgia Highway 314

Proposed Construction

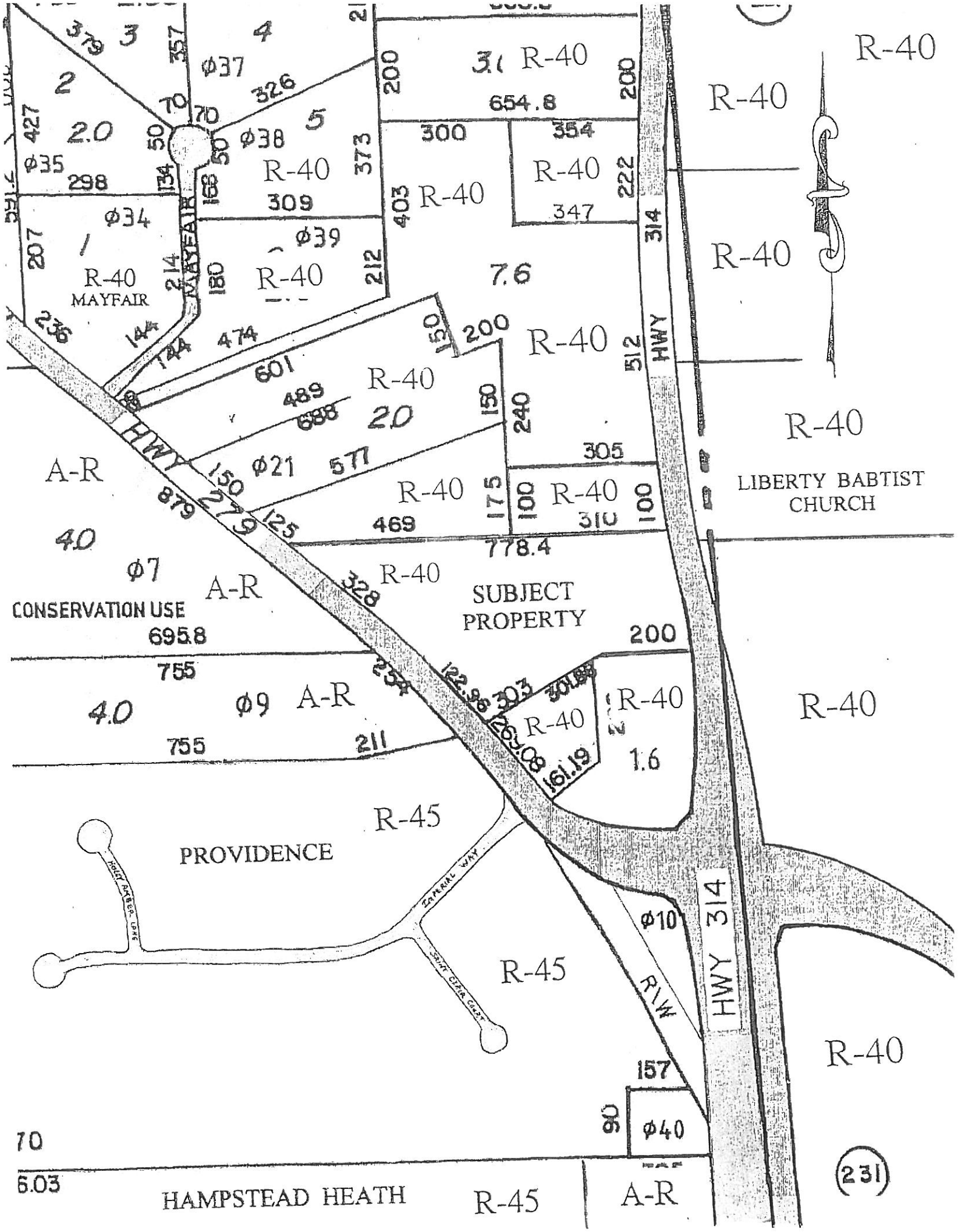
One 5218 square foot office building consisting of four business offices.

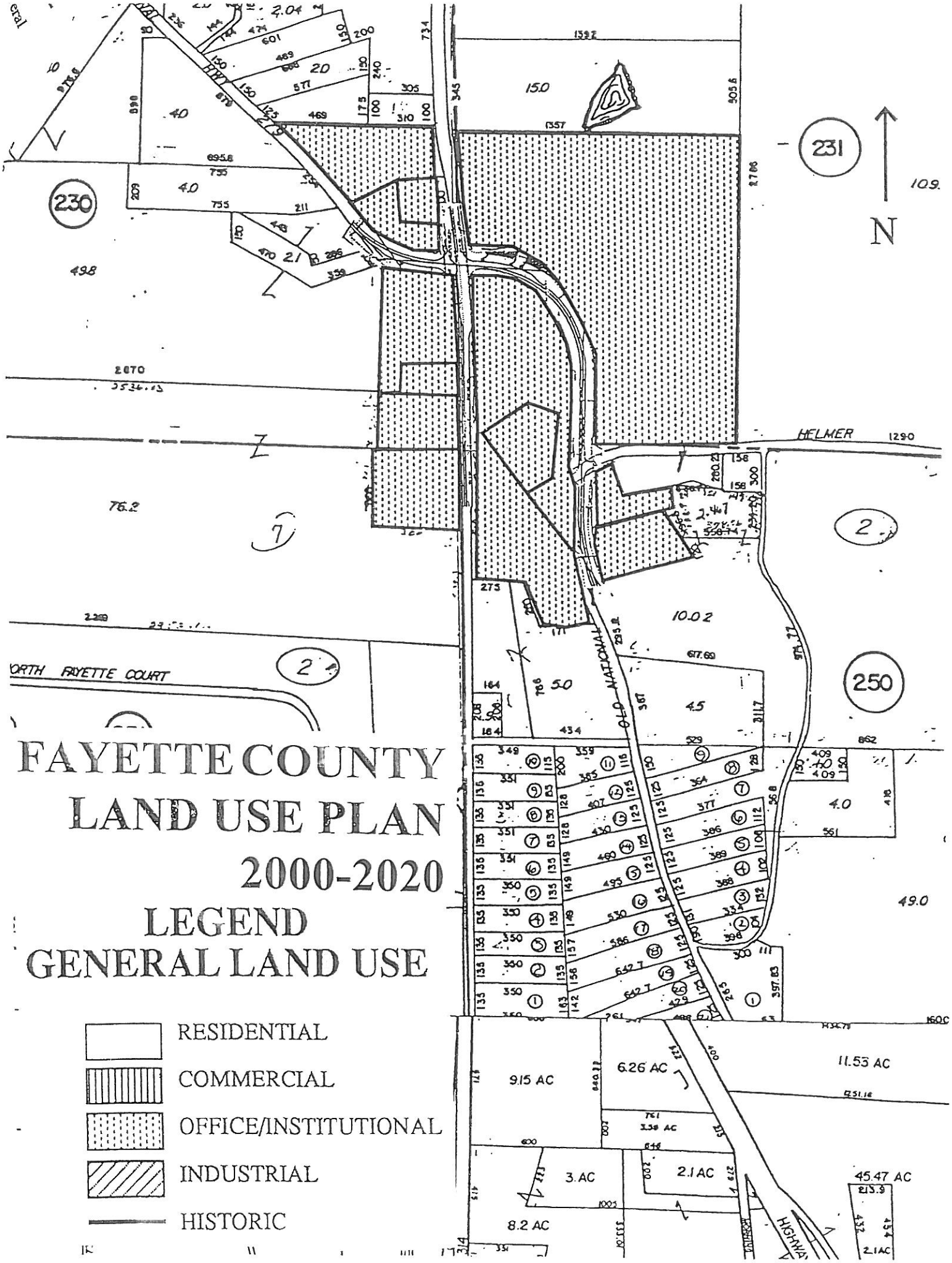
New construction will comply with Fayette County's development regulations meeting the requirements of O.I. in the general transportation corridor overlay zone.

New construction to maintain a residential character as roof pitch, residential styled windows and doors, etc.

This brick office will be compatible in appearance with Liberty Baptist Church located across the highway and with houses in the surrounding areas.

Total estimated finished value would be $650,000.


R-40
MAYFAIR
A-R
CONSERVATION USE
SUBJECT PROPERTY
LIBERTY BABTIST CHURCH
PROVIDENCE
R-45
HAMPSTEAD HEATH
HWY 314
RW
(231)


FAYETTE COUNTY
LAND USE PLAN
2000-2020
LEGEND
GENERAL LAND USE
RESIDENTIAL
COMMERCIAL
OFFICE/INSTITUTIONAL
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N
HELMER
OLD NATIONAL
NORTH FAYETTE COURT
230
231
250
9.15 AC
6.26 AC
11.53 AC
3.AC
2.1AC
8.2 AC
45.47 AC

Robyn Wilson

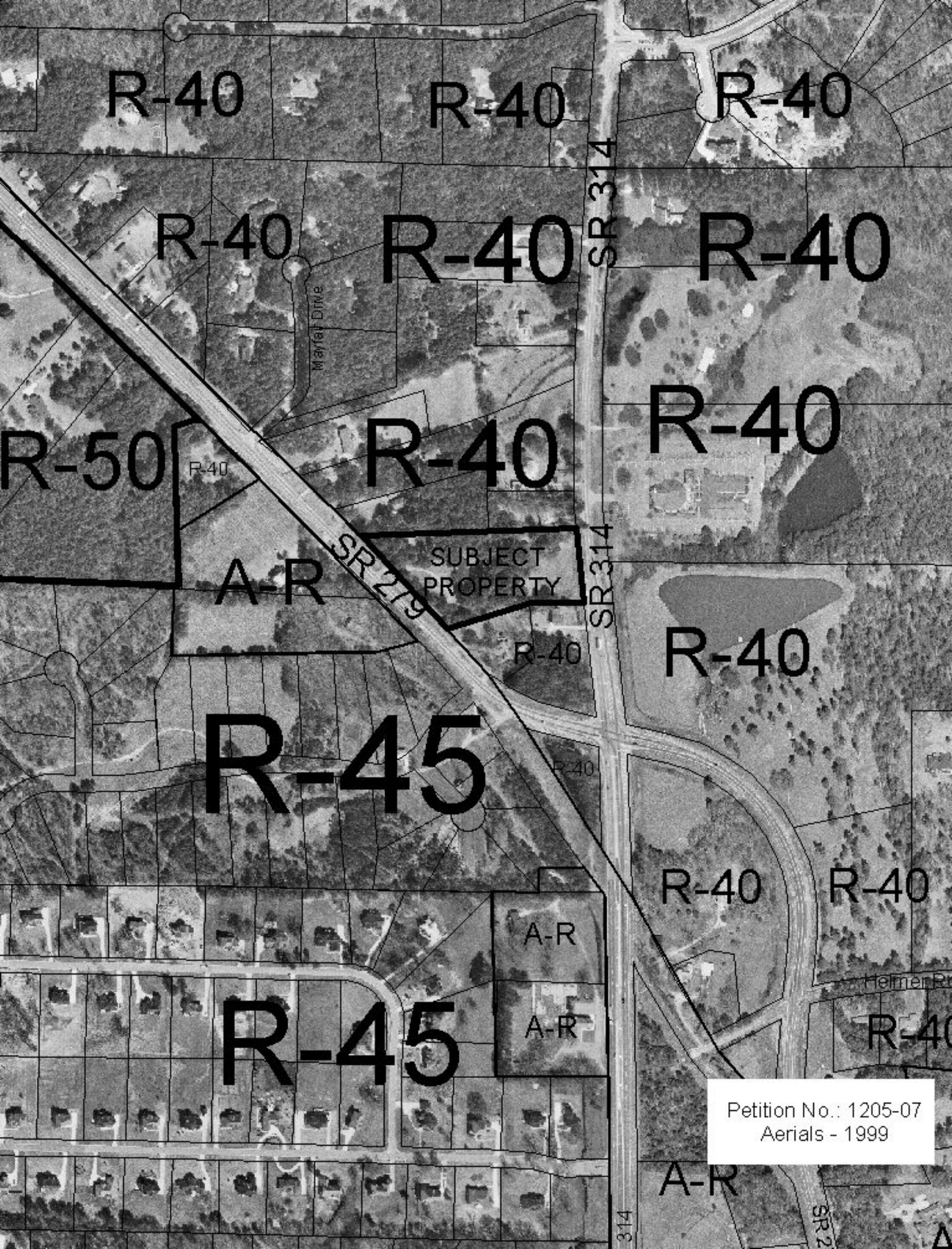
From: Larry Younginer [yoularn@bellsouth.net]
Sent: Saturday, March 01, 2008 6:50 PM
To: Robyn Wilson
Cc: nathanwheat@hotmail.com
Subject: Petition for Rezoning

Mr. Frisina,
Director, Fayette County Planning & Zoning Department

This e-mail is to add my voice to the objection to the application of the Racetrac Company's request to rezone the properties at the intersection of Georgia highways 279 & 314. Introduction of a filling station at that location would seriously degrade the integrity of this residential area, exacerbate the existing traffic problems plus superimpose a facility/business that is neither needed nor wanted by the residents(similar facilities are already in existence at intersections of Georgia highways 138 & 279, 138 & 314 and 279 & 85).

I consider this area in Fayette County a quality place in which to live and raise a family and I hope it stays that way. I strongly recommend that the Fayette County Planning & Zoning Department reject the Racetrac application for rezoning.

Larry N. Younginer
Vivian W. Younginer
Residents of North Fayette County



Petition No.: 1205-07
Aerials - 1999

SUBJECT
PROPERTY
SR 279
SR 314
Helmer Road
Petition No.: 1205-07

LAND USE

- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres, 5 Acre Min.)
- RURAL RESIDENTIAL (1 Unit/2 to 3 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 to 2 Acres)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/1 Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/1 Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/1 Acre)
- MOBILE HOME PARK
- OFFICE
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTIONAL
- CONSERVATION AREAS
- PARKS AND RECREATION
- TRANS., UTIL., & COMMUNICATIONS

4. **Consideration of Petition No. 1205-08, Rendley Norris, Owner/Agent, request to rezone 4.11 acres from R-40 to O-I to develop a Real Estate Brokers Office and Business Offices. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314.** *Staff recommended denial.*

Rendley Norris made the following comments:

1. He had lived at the subject property for 35 years.
2. He is a real estate broker and developer.
3. He and his neighbor were seeking to rezone their property to the highest and best use and he supported his neighbor's request.
4. There are six (6) major thoroughfares in the county and his house sits between two (2) of them.
5. The traffic count provided in the Comprehensive Plan stated that the daily vehicle count for Hwy. 279 is 22,400 and for Hwy. 314 is 16,700.
6. Both highways are controlled by the GDOT.
7. Traffic moves quickly.
8. The population has increased 700% between 1970 and 2004.
9. The population grew from 29,043 to 91,263 from 1980 to 2000.
10. Today's population is over 100,000.
11. As growth has happened, the land use has changed and he has lost the enjoyment of his home for residential use.
12. When he built his house in 1972, the population was 20,000.
13. The County did not have a Zoning Ordinance until 1980, which is when the County started growing.
14. The first Land Use Plan was adopted in 1985 and it showed this area to be destined for nonresidential use.
15. The last amendment was in 2007, and the intersection remains destined for nonresidential use.
16. When Hwy. 314 was four-laned, the road alignment moved 700 feet closer to his home, making his property part of the intersection.
17. Hwy. 314 is planned to be four-laned from the intersection to the airport between 2011 and 2015.
18. His property, indicated as lot specific, was added to the Comprehensive Plan as office at a public hearing held before the B.O.C. on December 14, 1995.
19. His property formed the north boundary for office designation on the Land Use Plan Map.
20. He plans to subdivide the property into two (2) lots and they will not be connected.
21. His two (2) existing curb cuts would have to be modified to comply with GDOT standards.
22. R-40 zoning would currently permit four (4) houses, but the office uses would use less water than four (4) houses.

23. More than two (2) buildings could be constructed under the O-I zoning.
24. Too much traffic for residential use.
25. O-I is perfect for the lot.
26. Development will comply with overlay zone.
27. Developed Providence Subdivision across the street from the subject property.
28. Will install deceleration/acceleration lanes if required by GDOT.
29. Existing house will look the same.
30. Second lot faces Hwy. 314.
31. Liberty Baptist Church is across Hwy. 314 from the subject property and is a nonresidential use.
32. Property to the south is O-I use.
33. Building will be built with a residential look, have a pitched roof, four (4) sides of brick, and architectural windows and doors.
34. Submittal of: 1) B.O.C. Agenda dated December 14, 1995, regarding the proposed amendments to the Fayette County Land Use Plan Text and Map; 2) Copy of B.O.C. Minutes dated December 14, 1995, regarding the addition of the subject property as office to the Fayette County Land Use Plan Text and Map; 3) Letter dated November 30, 1995, from Rendley Norris requesting the addition of the subject property for nonresidential use to the Land Use Plan Map; 4) Copy of 1993-2000 Fayette County Land Use Plan indicating the subject property, areas indicated as commercial and office-institutional; and 5) Copy of the 2000-2020 Fayette County Land Use Plan indicating the subject property as Office-Institutional.

Chairman Powell asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition.

The following people spoke in opposition:

1. Faye Evans of 115 Mayfair Lane.
2. Wayve Dennison, Whimsey Haven Family Farm, of 552 Hwy. 279.
3. Andrea Jackson of 151 LaFayette Drive.
4. Michael B. Crawford, President of Providence Subdivision Home Owners Association, of 135 Holly Amber Lane.
5. Aisha Abdur-Rahman of 110 Benson Circle
6. Larry Mapp of 345 Carriage Drive.
7. Anthony Mapp of 365 Carriage Drive.
8. David Brill of 552 Hwy. 279.
9. Shirley Kilgore of 225 Morning Springs Walk.

The following were points of opposition:

1. Concern about future rezoning requests.
2. Concern about well water.
3. Area should remain residential.
4. Concern about the damage to quality of the environment.
5. Concern about air, light, and noise pollution.
6. Concern about the loss of trees and open green spaces.
7. Concern about the runoff from parking lots.
8. Concern about traffic.
9. Concern about children catching the school buses.
10. Rear ender traffic accidents happen daily.
11. Concern about traffic backup.
12. Area is more than just the annoying space between Fayetteville and Atlanta. It is more than just an economic opportunity for someone who is no longer going to live in the area, but for a lot of people, this is their home.
13. When Mr. Norris developed Providence Subdivision, he stated it would be a nice residential community and he did not advise anyone of his plans for rezoning for an office or supporting the development of a convenience store with gasoline sales.
14. Concern about crime. Office buildings attract criminals. After breaking into an office building, the criminal then goes to residential properties.
15. Maintain the current integrity and quality of life for the area.
16. Submitted petition of those in opposition.
17. Maintain the consistency of the residential community.
18. Hwy. 279 is two-laned with a speed limit of 55 mph but vehicles travel faster.
19. Hwy. 279 has a blind curve and hill at the subject property.
20. Empty office space available within a quarter of a mile from the subject property.
21. Rezoning will change the character of the neighborhood.
22. Concern about stormwater runoff and detention pond.
23. Nonresidential development draws unnecessary attention to a residential area.
24. North Fayette County seems to be forgotten; however, property owners in northern Fayette County pay the same mileage rate as those in southern Fayette County.
25. Concern about vendors and trucks making deliveries traveling faster than the posted speed limit.
26. Concern about wildlife being pushed out.
27. Rezoning will benefit the applicant only.
28. Property is designated as residential on the Comprehensive Plan.
29. No one is desperate for a business location in the north end of the County.
30. Area is residential and the existing house should be sold as residential.

In rebuttal, Mr. Norris made the following comments:

1. The lot would remain wooded with buffers.
2. An office would be a low water usage and that four (4) houses would use more water.
3. The traffic is under the GDOT's control and he would be required to build to their standards for such items as deceleration/acceleration lanes, sight distance, etc.
4. Nonresidential zoning was the highest and best use for the property and that he had a constitutional right to ask for a rezoning.
5. An office will blend with the area especially since it is located between two (2) state routes.
6. The stormwater and detention ponds will be engineered.
7. There are trucks in the area now.
8. The population had greatly increased and that his request is a reasonable one.
9. Residential is not the best use for the property.
10. There is a need for office uses.
11. Can't say much about the wildlife being pushed out.
12. Land use stops at the subject property.

At this time, Chairman Powell closed the floor from public comments.

Tim Thoms made a motion to deny the petition. Chairman Powell seconded the motion.

Jim Graw made the following comments:

1. Pointed out that the Comprehensive Plan was revised in 2004 and asked Mr. Norris if he attended the public hearings or workshops.

Mr. Norris made the following comments:

1. Replied that he did not attend the public hearings and that he wasn't notified about them.
2. Not aware that the Comprehensive Plan was being changed in 2004.
3. See no evidence that the subject property's land use was changed. Current computer drawing of the Comprehensive Plan is not to scale.
4. The subject property (site specific) was designated as office in 1995.

Chairman Powell made the following comments:

1. Comprehensive Plan in 1995 was site specific; however, the current plan is not site specific.
2. Majority of the subject property is designated as residential on the current Comprehensive Plan with the exception of a very, very small percentage being designated as office.
3. Reiterated that the Comprehensive Plan has been reviewed at least eight (8) times since 1995.

4. Showed audience the Comprehensive Plan with the subject property indicated.
5. Suggested that the Comprehensive Plan needs to be reviewed again.

Mr. Norris made the following comments:

1. Disputed that the subject property is not properly drawn on the Comprehensive Plan and contended that the subject property is land used as office. North property line remains site specific in the office designation.
2. No public hearing to specifically remove the subject property from the office designation.
3. Three (3) members of the P.C. approved the subject property as office in 1995, plus the Staff and the B.O.C.

Chairman Powell made the following comments:

1. The subject property does not lie within the current designation as office based on the information provided by Staff.
2. In 1995, the subject property was land used as office; however, that changed in 2004.
3. The methodology in 1995 was site specific; however, in 2004, the methodology was changed and is no longer site specific.
4. Reiterated that the Comprehensive Plan needs to be reviewed again.

Al Gilbert made the following comments:

1. Concurred that the Comprehensive Plan needs to be reviewed again and added that the area has been reviewed many times.
2. Reiterated that the Comprehensive Plan has been redefined since 1995.

Tim Thoms made the following comments:

1. The Comprehensive Plan is very important and requires everyone to participate in the discussion of the plan in order to reach a common objective.
2. The P.C. must address what is in the best interest for the County and keep the constitutional rights of the property owner in mind.
3. Areas are set aside for office, commercial, parks and recreation based on population, growth, and objectives.
4. A lot of research goes into the Comprehensive Plan and very seldom will you see the P.C. voting in opposition of the plan.
5. There are verbal guidelines for the Comprehensive Plan also.
6. Hwy. 314 is planned to be four-laned between 2011 and 2015.

7. The P.C. has to determine if the property is suitable for residential or nonresidential development.
8. The Concept Plan is just that.
9. Specific requirements will be indicated on a Site Plan should the property be approved as office.
10. If the property is rezoned to O-I, the property can be utilized for any use allowed in the O-I zoning district.
11. The property could be sold and not developed with two (2) buildings as indicated on the Concept Plan.
12. The P.C. must look at the whole impact to the County.

Mr. Graw made the following comments:

1. If the subject property is rezoned to O-I, no commercial uses are allowed and that there are specific uses allowed in O-I.
2. Reiterated that the Comprehensive Plan was a general plan and was not site specific.
3. If the subject property is zoned to O-I, where does it stop? This is why you have a Comprehensive Map.
4. Not comfortable with O-I for the subject property.

Chairman Powell advised the audience that the Zoning Ordinance and Comprehensive Plan were on-line for everyone's review.

Hearing no further comments, Chairman Powell called for the vote. The motion for denial unanimously passed 5-0.

BOARD OF COMMISSIONERS	STAFF
Rick Price, Chairman	Billy P. Beckett, Administrator
Robert Sprayberry, Vice Chairman	Carol Chandler, Executive Assistant
Scott Burrell	William R. McNally, Attorney
Herb Frady	Angie Stevens, Deputy Clerk
Linda Wells	

BOARD OF COMMISSIONERS
AGENDA
December 14, 1995
7:00 p.m.

Call to Order, Invocation and Pledge to the Flag

PRESENTATION/RECOGNITION:

A. Recognition of the Fayette County Blue Devil Football Team.

PUBLIC HEARING:

B. Consideration of proposed amendments to the Fayette County Land Use Plan Text and Map. **The Planning Commission recommended approval (5-0) to designate the intersection of S.R. 279 and S.R. 314 to OI. Staff recommended approval.**

C. Consideration of an Alcoholic Package Sales Application for 92 One Stop (formerly D.J.'s One Stop), change of ownership, 2708 S.R. 92 South, Fayetteville, GA, Shirley Dianne Wilson, applicant.

D. Consideration of Petition No. 905-95, Paul C. Oddo, Sr, request to rezone10.80 acres from A-R to C-H to develop a retail shopping center. The property is located in Land Lot 91 of the 5th district and fronts on S.R. 85 South and Ramah Road. **The Planning Commission recommended approval (4-0-1). Staff recommended denial.**

E. Consideration of Petition No. 906-95, Elizabeth Whitlock, request to rezone 1.57 acres from A-R to O-I to develop an office. The property is located in Land Lot 70 of the 7th district and fronts on S.R. 54 West and Sumner Road. **The Planning Commission recommended approval (4-0). Staff recommended approval.**

F. Consideration of Petition No. 907-95, PTC Properties, Inc., request to rezone 2.97 acres from C-H to O-I to allow Massage Therapy in an existing Health Club and Fitness Center. The property is located in Land Lot 69 of the 7th district and fronts on S.R. 54 West. **The Planning Commission recommended approval (4-0). Staff recommended approval.**

G. Consideration of amendments to the Occupation Tax Ordinance.

H. Consideration of the abandonment of a portion of Old Ebenezer Road.

PUBLIC COMMENT:

OLD BUSINESS:

I. Consideration of appointments to the Planning Commission and The Zoning Board of Appeals.

NEW BUSINESS:

Consideration of Local Option Sales Tax Certificate of Distribution for 1996.

K. Consideration of Bids for the E-911 Communication Center.

L. Discussion of proposed assumption of Municipal Communications Personnel, effective January 1996.

The Board of Commissioners of Fayette County, Georgia, met in an Official Session on Thursday, December 14, 1995, at 7:00 p.m., in the public meeting room in the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Robert Sprayberry, Vice Chairman
Scott Burrell
Herb Frady
Linda Wells

COMMISSIONERS ABSENT: Rick Price, Chairman

STAFF MEMBERS PRESENT: Billy P. Beckett, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
Angie Stevens, Deputy Clerk

Vice Chairman Sprayberry called the meeting to order, offered the Invocation and led the Pledge to the Flag.

RECOGNITION OF FAYETTE COUNTY BLUE DEVIL FOOTBALL TEAM:
The Board presented certificates of recognition to the Fayette County Blue Devil Football Team. Many of the youth members and Fayetteville Councilman Walter White were present for the recognition.

PUBLIC HEARINGS: Zoning Administrator Chris Venice explained the procedure for conducting public hearings. She stated those speaking in favor of a petition would be heard first, followed by those speaking in opposition. She commented each person would be limited to three (3) minutes of speaking time. She requested the same argument not be heard over and over again and encouraged only new points be raised. She added after everyone had an opportunity to speak, the petitioner would have a chance to rebut any points raised by those in opposition. She stated the Board would then discuss the petition and vote either to approve, deny or table the request.

AMENDMENTS TO THE FAYETTE COUNTY LAND USE PLAN TEXT AND MAP.
Consideration of proposed amendments to the Fayette County Land use Plan Text and Map. The Planning Commission and Staff recommended approval to designate the intersection of S.R. 279 and S.R. 314 to OI Office Institutional.

Zoning Administrator Chris Venice addressed the Board and stated that the Board had asked the Planning Commission and Staff to look at the area of S.R. 279 and S.R. 314 to determine the best zoning use for the area. She stated that with the many churches in the general area, both Planning Commission and staff recommended that the area be

designated for OI Office Institutional. She went on to say at the present time the area was designated for both OI Office Institutional and GC General Commercial. She stated that it was not felt that Commercial was the proper classification for the area due to the surrounding properties.

Those residents speaking in favor of the OI Zoning classification were Dr. George Patton, and Mr. Jim Abbott who both felt OI was the best zoning for the area.

Those residents speaking in opposition to changing the classification, which would eliminate a commercial classification in the area, were Ms. Cindy Lestor, Mr. Wayne Brown, Mr. John Nixon, and Ms. Cheryl Floyd, who all felt that the commercial classification should be maintained. Several residents stated they owned property in the area and would not be able to obtain the highest value for their property without a commercial classification.

Mr. Rendley Norris addressed the Board and stated his property was adjacent to the property in question and asked the Board to include his property in the request. He felt his property should be zoned as commercial based on the Land Use Plan.

Vice-Chairman Sprayberry closed the public input and brought the item before the Board for their pleasure.

Ms. Venice reminded the residents that the hearing was not for re-zoning, but for Land Use.

Commissioner Burrell stated that people perceive the Land Use Plan was always adhered to and asked Ms. Venice to address the issue.

Ms. Venice stated the Land Use Plan Text and Map was a tool used, but that it was only a tool and not always followed exactly.

On motion made by Commissioner Burrell, seconded by Commissioner Wells, to approve the amendments to the Fayette County Land Use Plan Text and Map to OI Office Institutional, to include Mr. Norris's property with discussion.

Commissioner Wells stated she would be concerned designating any portion of the area as commercial due to the potential for crime in the area. She stated she felt the OI Office Institutional Classification would be in the best interest of the entire County.

Commissioner Frady concurred with Commissioner Wells statements. The motion carried 4-0. Chairman Price was not present for the vote. A copy of Ordinance No. 95-19, identified as "Attachment 1" follows these minutes and is made an official part hereof.

November 30, 1995

TO: Fayette County Planning Commission Members

Please consider my request to add my property of 3.89 acres located between State Highway 279 and State Highway 314 to the County's Land Use Map as non-residential use. My property was not included as non-residential use on the County's 1985 Land Use Plan, but many changes at this intersection have occurred which are as follows:

1. Re-alignment by D.O.T. of the 279/314 intersection has moved this intersection 700 feet closer to my property.

2. D.O.T. has acquired right-of-way for road widening from my property fronting Highway 314 to my north corner pin as their beginning point of this four-lane project to Fayetteville. (This corner pin is directly across the road from the O.I. zoning north line on the County's Land Use Plan.)

3. Increased traffic at this intersection has impacted my full enjoyment of my home as residential use and I will need relief by non-residential zoning to develop or sell my property in the future at it's highest and best use.

4. Granting my request by adding my property for non-residential use to the Land Use Map will allow changing for a nicer development of the north west corner of this intersection.

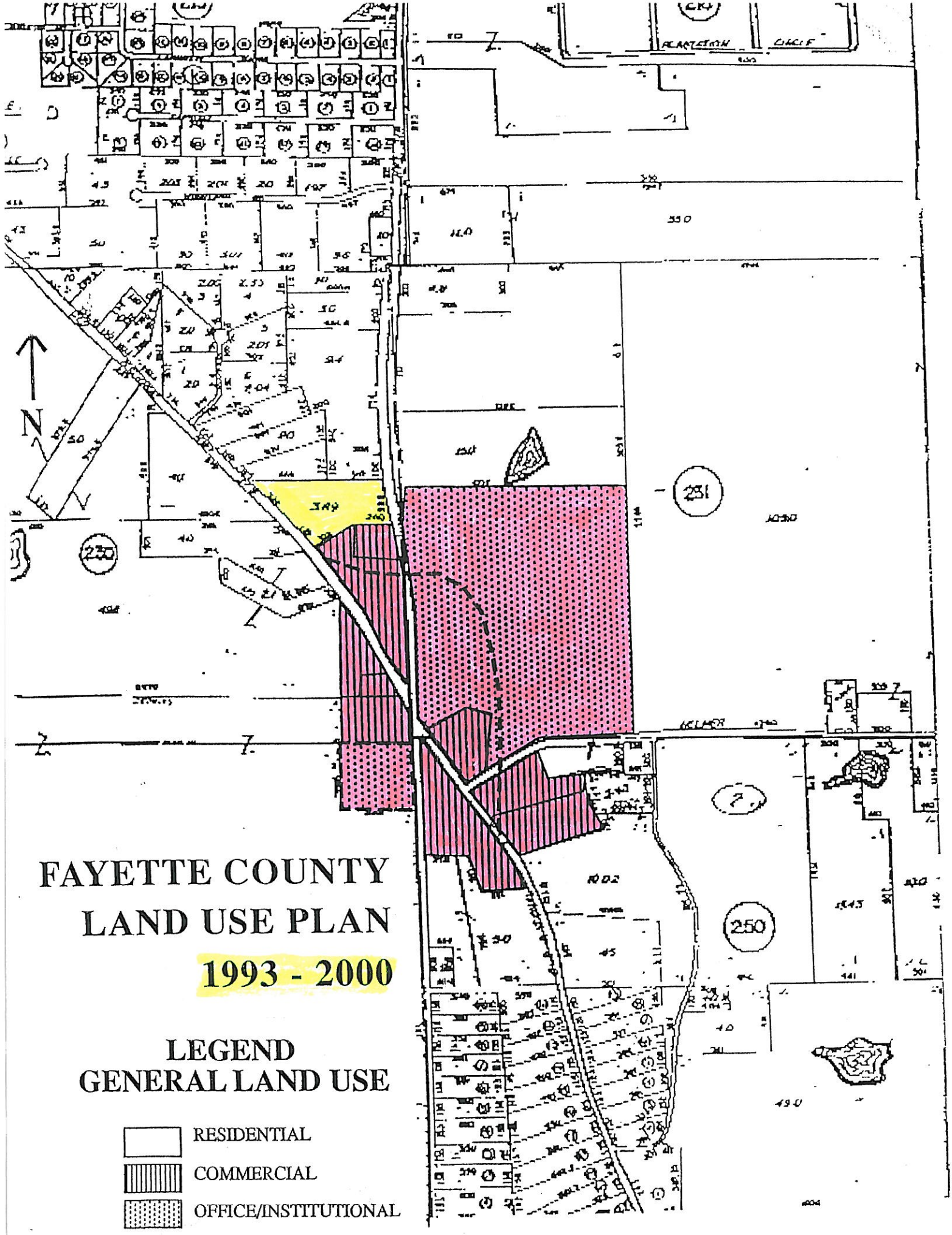
See attached copy of plat showing my property (marked in yellow) and the County's Land Use Map of non-residential areas (marked in pink).

Thank you for your consideration of this matter.

Sincerely,

Rendley Norris

Rendley Norris
545 Highway 279
Fairburn, Georgia 30213
770-461-9553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FAYETTE COUNTY
LAND USE PLAN
1993 - 2000
LEGEND
GENERAL LAND USE
RESIDENTIAL
COMMERCIAL
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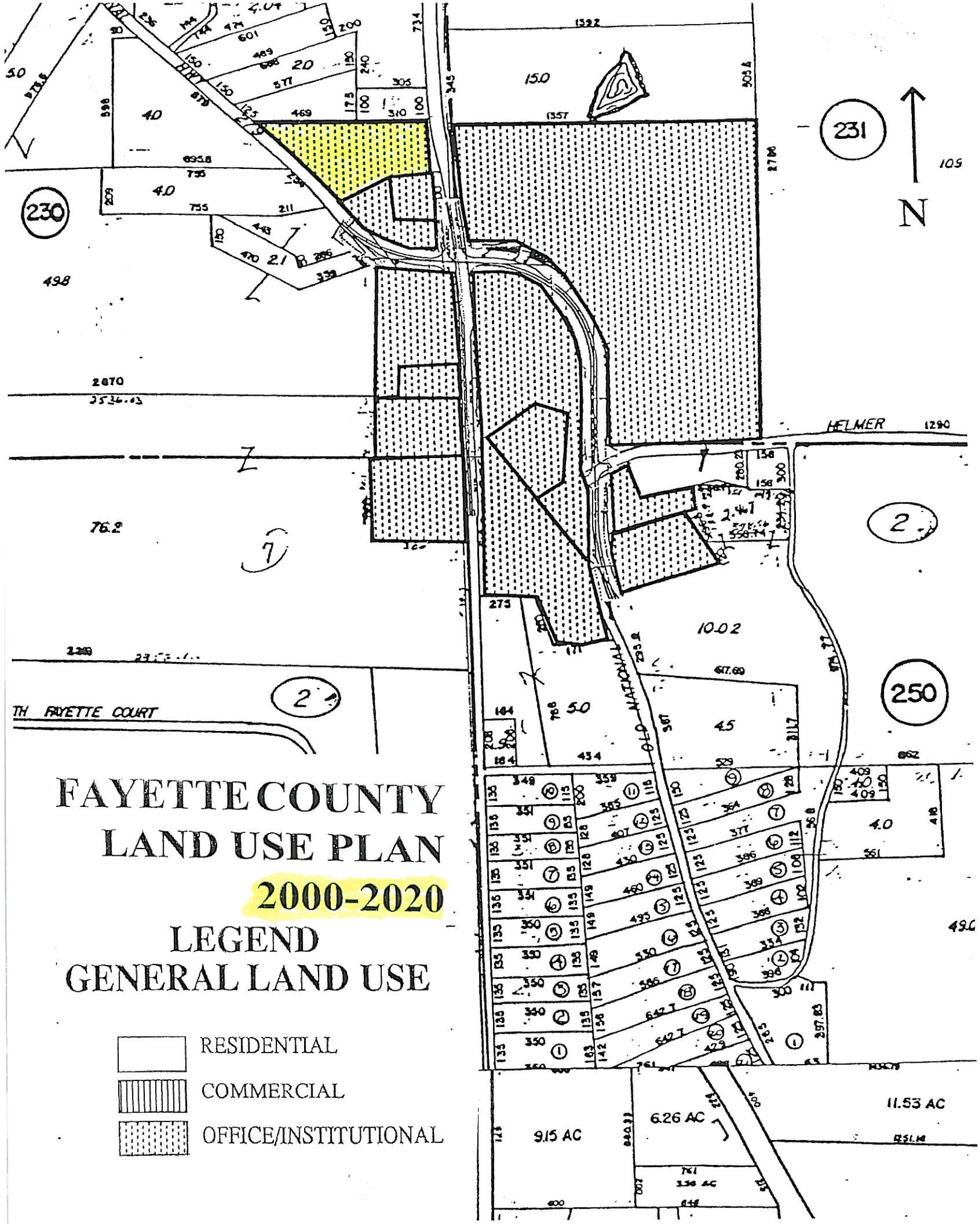
FAYETTE COUNTY
LAND USE PLAN
2000-2020
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11.53 AC

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

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

RENDLEY NORRIS

Please Print Names

Property Tax Identification Number(s) of Subject Property: 1303 008

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 230 **of the** 13TH **District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).**

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

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

Rendley Norris	Lisa S Henderson
Signature of Property Owner 1	**Signature of Notary Public**
545 GA Hwy 279	1/17/2008
FAIRBURN GA. 30213	
Address	**Date**
Signature of Property Owner 2	**Signature of Notary Public**
Address	**Date**
Signature of Property Owner 3	**Signature of Notary Public**
Address	**Date**
Signature of Authorized Agent	**Signature of Notary Public**
Address	**Date**

LISA S. HENDERSON
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 16, 2008
PIKE COUNTY, GA

NAME: RENDLEY NORRIS PETITION NUMBER: 1205-08

ADDRESS: 545 GA. Hwy 279 FAIRBURN, GEORGIA 30213

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

RENDLEY NORRIS **affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n)** R-40 **Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $** 290.00 **to cover all expenses of public hearing. He/She petitions the above named to change its classification to** O.I.

This property includes: (check one of the following)

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

[ ] **Legal description for subject property is as follows:**

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6th **day of** MARCH, **20** 08 **at 7:00 P.M.**

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th **day of** MARCH, **20** 08 **at 7:00 P.M.**

SWORN TO AND SUBSCRIBED BEFORE ME THIS 17th **DAY OF** January, **20** 08.

Lisa S. Henderson

NOTARY PUBLIC

LISA S. HENDERSON NOTARY PUBLIC MY COMMISSION EXPIRES MAY 16, 2008 PIKE COUNTY, GA

Rendly Norris

APPLICANT'S SIGNATURE

Petition No.: 1205-08

LEGAL DISCRIPTION
545 GA HWY 279, FAIRBURN, GA 30213

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 230 OF THE 13TH DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE R/W OF GA HIGHWAY 279 AND THE R/W OF MAYFAIR DRIVE THENCE FOLLOWING THE R/W OF HIGHWAY 279 A DISTANCE OF 480.26 FEET IN A SOUTHEASTERN DIRECTION TO THE TRUE POINT OF BEGINNING, THENCE RUNNING N 85 40 58 E A DISTANCE OF 750.68 FEET TO AN IRON PIN SET, THENCE RUNNING S 08 01 57 E A DISTANCE OF 109.67 FEET TO A POINT, THENCE RUNNING S 08 22 41 E A DISTANCE OF 155.16 FEET TO A POINT ON THE WEST R/W OF GA HWY 314, THENCE RUNNING S 87 50 07 W A DISTANCE OF 171.71 FEET TO AN IRON PIN FOUND, THENCE RUNNING S 71 36 16 W A DISTANCE OF 301.02 FEET TO AN IRON PIN FOUND ON THE EAST R/W OF GA HWY 279, THENCE RUNNING N 47 04 13 W A DISTANCE OF 122.63 FEET TO AN IRON PIN FOUND, THENCE RUNNING N 46 58 11 W A DISTANCE OF 327.60 FEET TO AN IRON PIN SET AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.11 ACRES.

GEORGIA
REGISTERED
No. 2668
PROFESSIONAL
GERALD H BRINKLEY
LAND SURVEYOR

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, RENDLEY NORRIS, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 264.83 LINEAR feet of right-of-way along GA. Hwy 314 By A DISTANCE of 50 FEET as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 17th day of January, 2008.

Rendley Norris
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Lisa S. Henderson
NOTARY PUBLIC

LISA S. HENDERSON
MY COMMISSION EXPIRES
NOTARY
PUBLIC
MAY 16, 2008
PIKE COUNTY, GA

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Thresholds: Developments of Regional Impact" established by the State Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.

B. If the project does meet or exceed the established thresholds for the type of development proposed, the applicant is responsible for completing the Atlanta Regional Commission's (ARC) "Developments of Regional Impact: Request for Review Form" prior to submittal of the rezoning application. You may contact ARC at (404)463-3311 to request the form. A copy of the completed form and documentation that the form has been submitted to ARC for review is required to be included with this rezoning application.

C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".

[X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .

[ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required ARC's DRI Request for Review Form is attached.

Signed this 17th day of January, 2008.

APPLICANT'S SIGNATURE

LISA S. HENDERSON
MY COMMISSION EXPIRES
NOTARY
PUBLIC
MAY 16, 2008
PIKE COUNTY, GA

Lisa S. Henderson
1/17/2008

January 18, 2008

Board of Commissioners of Fayette County
140 Stonewall Avenue West
Fayetteville Georgia 30214

Re: Rezoning petition by Rendley Norris, owner of 4.11 acres located at 545 Highway 279 in Land Lot 230 of the 13th District, Fayette County, Georgia

Dear Commissioners,

Rezoning Request

I have filed an application to rezone the above referenced property from R-40 zoning classification to office institutional zoning classification for development consistent with the Fayette County Land Use Plan 2004-2025.

I propose to convert my existing single family home of 35 years from its present residential use to office institutional for use as a Real Estate Brokerage and business offices on 2.74 acres. The remaining 1.37 acres will be developed by the construction of a 5218 square foot office building for use under Fayette County's office institutional requirements.

This rezoning change as proposed will grant a reasonable use and development of my property to its highest and best use. The development as proposed will not overburden the county school system, nor water, roads, or other public services. But will provide an economic benefit to Fayette County citizens as a whole.

Constitutional Requirements

This notice is consistent with Georgia Law and Georgia Supreme Court decisions that require rezoning applicants to present constitutional issues to the zoning authority as a condition precedent to seeking judicial relief.

I respectfully submit that the zoning ordinances and resolutions of Fayette County, as amended from time to time, are unconstitutional to the extent that they classify the subject property as R-40 and to the extent that said property may be classified as office institutional zoning classification as shown on the map of Fayette County's future land use plan 2004-2025 amended 6/28/2007 as property included in the general state route overlay zone.

This property has a very restricted market value as currently zoned. Accordingly, I respectfully submit that the current zoning conditions imposed on my property as established in the County's resolutions and ordinances constitute an arbitrary and unreasonable use of zoning power because it bears no substantial relationship to the public health, safety, morality or general welfare. So to deny me an economically viable use of my property while not substantially advancing legitimate state and county interest constitutes the taking of private property without just compensation in violation of Article I, Section I, Paragraph I of the Georgia Constitution.

Additionally, application of the zoning ordinance of Fayette County Georgia 1980 to the property so as to restrict its use to purposes permitted only in the R-40 zoning district of Fayette County is unconstitutional, illegal, null and void, constituting a taking of applicant's property in violation of the just compensation clause of the fifth amendment to the constitution of the United States and the equal protection and due process clauses of the fourteenth amendment to the Constitution of the United States.

The property's location between two major thoroughfares (highways 279 and 314) makes it best suited for office institutional use. To leave the property residential zoned renders the property unusable for its "highest and best use" and destroys its marketability.

My proposed rezoning is the most reasonable use for the property and will provide an economic benefit for all the citizens of Fayette County. The proposed rezoning, therefore should allow the Board to continue an effective plan of land use development while providing an economic benefit to the citizens of Fayette County.

Accordingly, applicant respectfully request that his referenced petition be granted as requested, and the property be rezoned to office institutional.

Sincerely yours,

Rendley Norris

Rendley Norris
Owner – Applicant

Applicant requests that this letter be attached to, circulated with, and be deemed a part of the petition above referenced.

January 17, 2008

To: Planning Board Members and Board of Commissioners of Fayette County

Letter of Intent and Property Information

Re: Rendley Norris requests rezoning change of his personal home built in 1972 to Office Institutional classification – being 4.11 acres located at 545 Georgia Highway 279 Fayette County.

Subject property is currently zoned R-40 as shown on the Tax Plat Attached showing lot parcels and zoning classifications. The property adjoining me to the north and beyond is R-40 (1500 square foot minimum house size). The property across Highway 314 to the east is zoned R-40 including Liberty Baptist Church. The properties adjoining me to the south including the four corners of the intersection are zoned R-40 and shown on the Fayette County land use map as non-residential Office Institutional use. The property across Highway 279 to the southwest is Providence S/D zoned R-45 (2000 square foot minimum house size). Providence is a nice subdivision of 36 homes that I developed in 2000-2002, it has a D.O.T. approved entranceway with decel lane, no lots face or enter directly from Highway 279, there are no "thru streets" in the subdivision and have 25 mph speed limit signs posted. The acreage located directly across highway 279 and to the west from my property is zoned AR (1200 minimum square foot houses).

My property was added to Fayette County's land use plan and map as Office Institutional classification by the Board of Commissioners at their December 14, 1995 meeting. (See attached map of the land use plan 2000-2020.)

The Fayette County future land use plan and map 2004-2025 amended 6/28/2007 identifies my property as included in the general state route overlay zone as office institutional (see attached map).

There are two major thoroughfares in the north end of the county and my property has frontage on both. There has been an increase in traffic due to the growth Fayette County has experienced. However traffic does move freely on these highways due to the road re-alignment of the intersection and the four-laning from this intersection to Fayetteville. D.O.T. controls these highways and has plans to four-lane Highway 314 from the intersection to the airport in the year 2011 to 2015. The roadways are for all people to use, Fayette residents, travelers passing through to adjoining counties, business owners and their customers, not just homeowners.

The four-laning and road re-alignment has moved this intersection 700 feet closer to my property. I have lost the full enjoyment of my property for use as a residential home.

Fayette County's land use plan identifies my property as being on the edge of a development NODE and the Future Land Use Plan of this area states it is best suited for Office Institutional use. The property is located in the short-term growth area as stated in the Growth Management Plan.

Therefore I request my property to be rezoned to Office Institutional so it can be developed to its highest and best use.

My goal is to provide a viable use of my property for my benefit and use and to provide needed business locations in the north end of the county that will provide an economic benefit for all the citizens of Fayette County.

My home is an above average home being a four-sided brick veneer and stone ranch that will sit on 2.74 acres. This home is comparable to nicer homes located in subdivisions from surrounding areas. My home sits 150 feet back from the front property line and will require minimum grading for the required parking areas. People traveling past the property after conversion will notice little change.

Tract II property with 1.37 acres will only have access to and from Highway 314. The brick veneer office building to be constructed will have an appealing appearance from the road intersection and will blend in well with Liberty Baptist Church across the highway. The decel lane to be installed will also benefit the residential driveways for the property owners to the north.

This is a low-density development for 4.11 acres, constructing only one new building plus conversion of the existing other. There will be plenty of buffer areas surrounding this property. (See photos and development information attached.)

Sincerely yours,

Rendley Norris

Rendley Norris
Owner – Applicant

Applicant requests that this letter of intent and property information package be attached to the rezoning petition and forwarded to Planning Board members and Fayette County Board of Commissioners.

545 Highway 279

Existing home proposed for conversion to Real Estate and Business Office use

The changes and improvements required in the general transportation corridor overlay zone for O.I. will allow the property to continue it's residential appearance and remain compatible with houses in the surrounding areas.

The low density use of this 2.74 acres and the D.O.T. required addition of a decel lane and improved entranceway will continue to maintain the efficient flow of traffic on the roadway.

This development will achieve the general state route overlay zone purposes by continuing it's scenic appearance along the gateway into Fayette County.

(building example shown)

Location – 1.37 acres fronting Georgia Highway 314

Proposed Construction

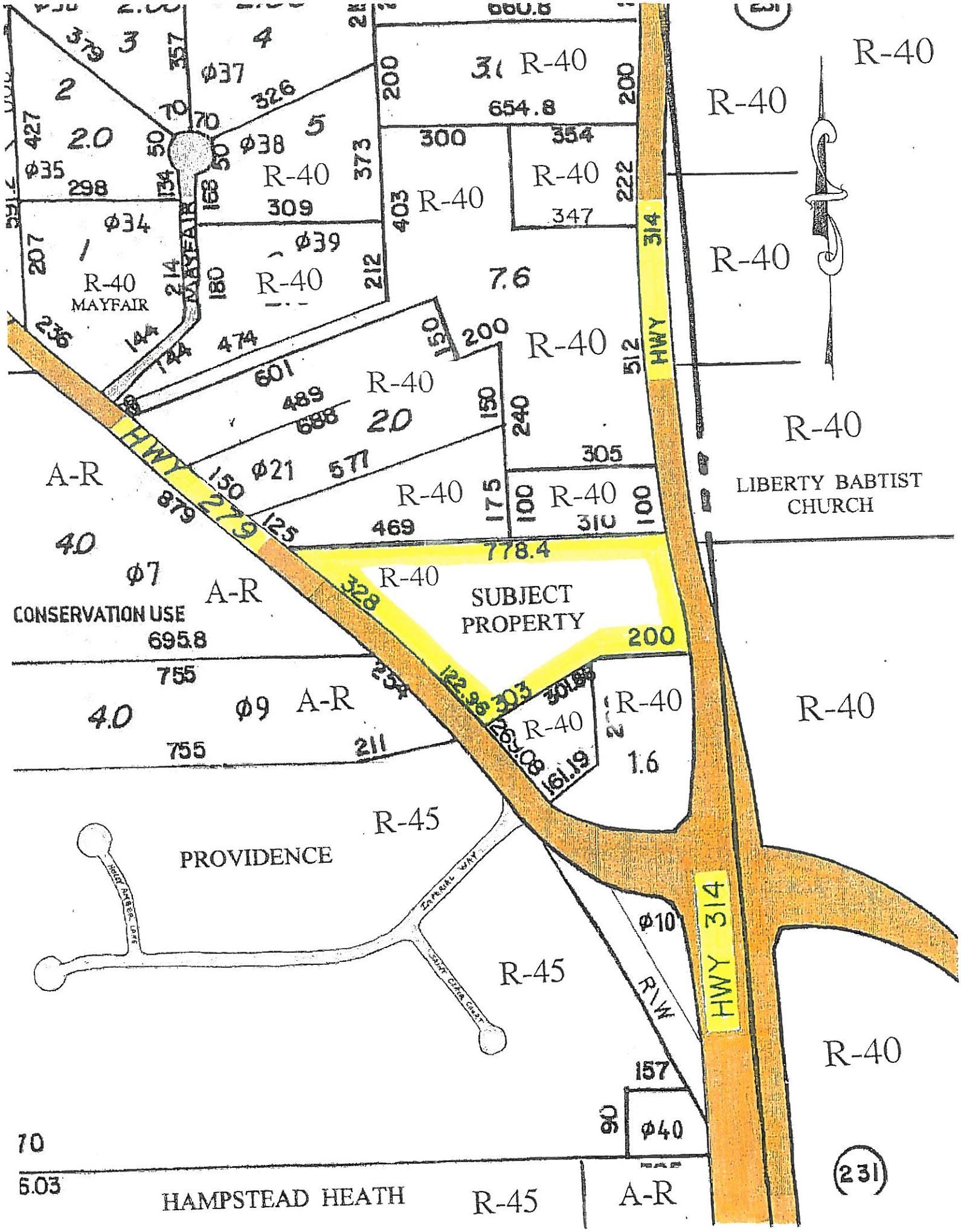
One 5218 square foot office building consisting of four business offices.

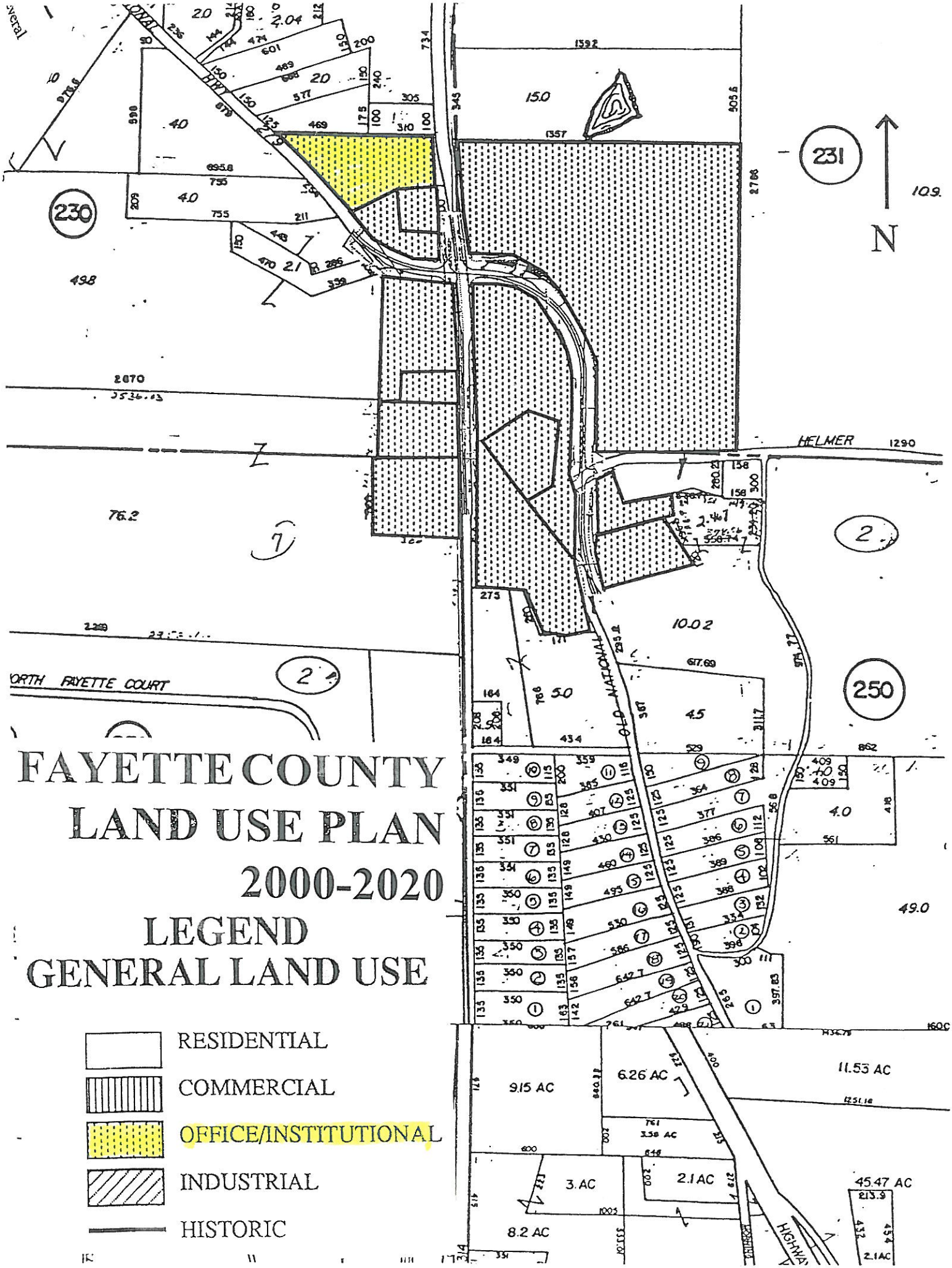
New construction will comply with Fayette County's development regulations meeting the requirements of O.I. in the general transportation corridor overlay zone.

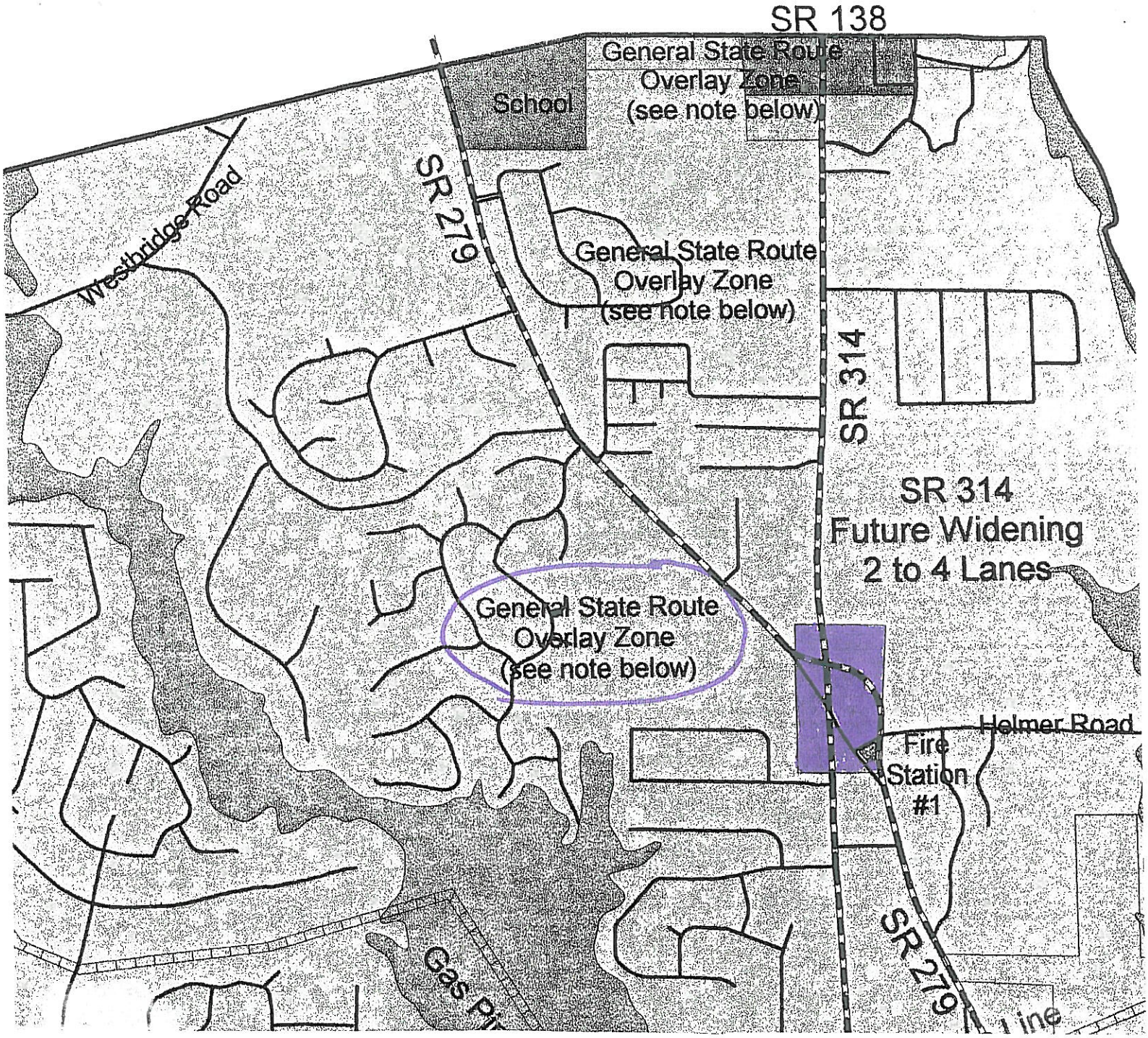
New construction to maintain a residential character as roof pitch, residential styled windows and doors, etc.

This brick office will be compatible in appearance with Liberty Baptist Church located across the highway and with houses in the surrounding areas.

Total estimated finished value would be $650,000.


R-40
MAYFAIR
A-R
CONSERVATION USE
SUBJECT PROPERTY
LIBERTY BABTIST CHURCH
PROVIDENCE
R-45
HAMPSTEAD HEATH
HWY 314
231


FAYETTE COUNTY
LAND USE PLAN
2000-2020
LEGEND
GENERAL LAND USE
RESIDENTIAL
COMMERCIAL
OFFICE/INSTITUTIONAL
INDUSTRIAL
HISTORIC
N
HELMER
OLD NATIONAL
NORTH FAYETTE COURT
230
231
250
9.15 AC
6.26 AC
11.53 AC
3.58 AC
3. AC
2.1 AC
8.2 AC
45.47 AC



FAYETTE COUNTY
FUTURE LAND USE PLAN
2004 - 2025

HIGH DENSITY RESIDENTIAL (5 Units/1 Acre

MOBILE HOME PARK

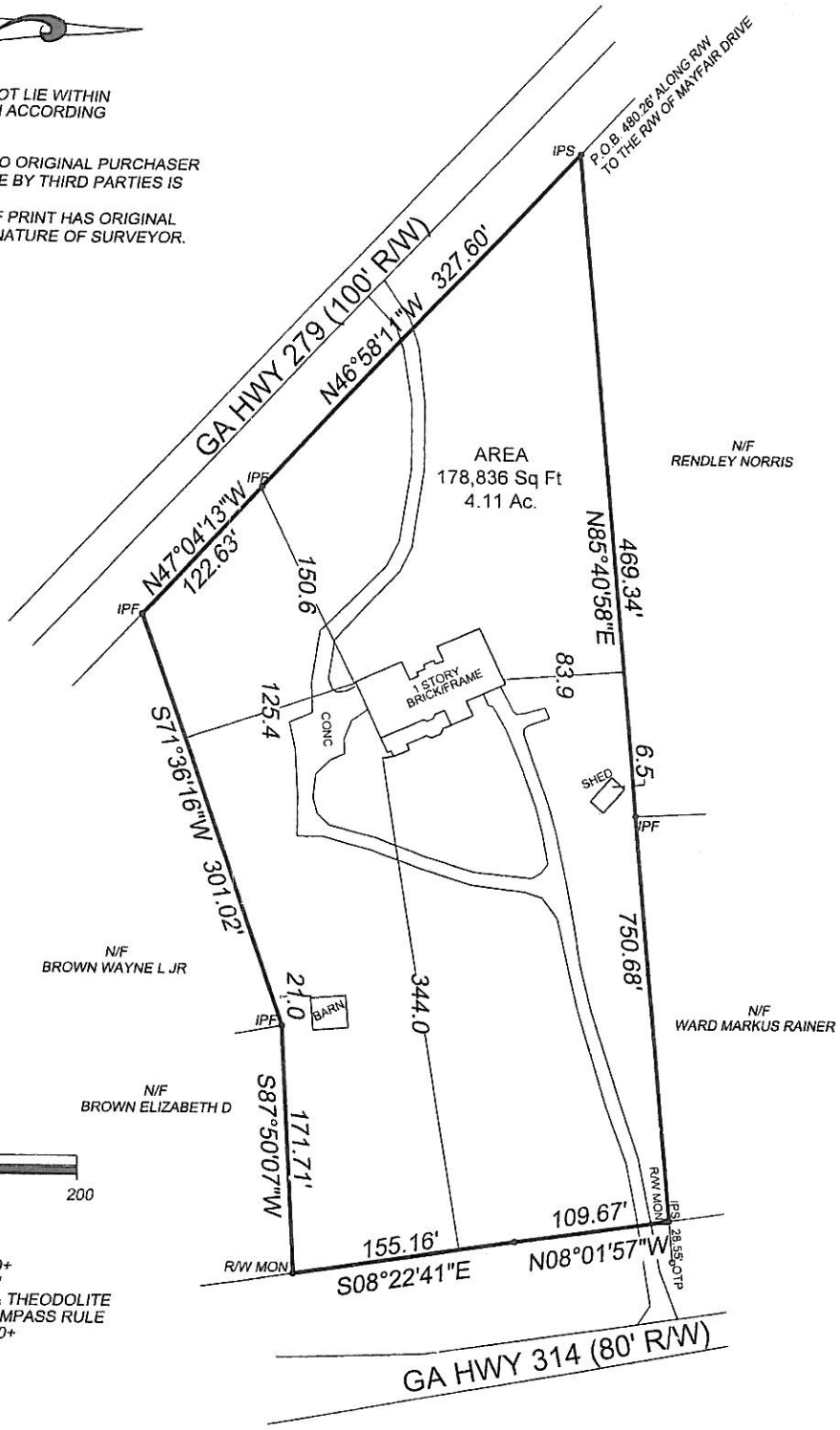
OFFICE

COMMERCIAL

Adopted 4/22/04
Amended 6/28/07

THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO REFERENCE PLAT.

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



GRAPHIC SCALE

0 50 100 200

CLOSURE DATA

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

LEGEND

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG= MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE

Prepared For:

RENDLEY NORRIS

545 GA. HWY 279 FAIRBURN GA 30213

District:	13TH	Date:	05/17/07
Land Lot:	230	F.W.P.D.	03/27/07
County:	FAYETTE, GA		
Scale:	1" = 100'	Job No:	07-0079

GEORGIA REGISTERED No. 2688 PROFESSIONAL LAND SURVEYOR DELD H. PEPPINHARD

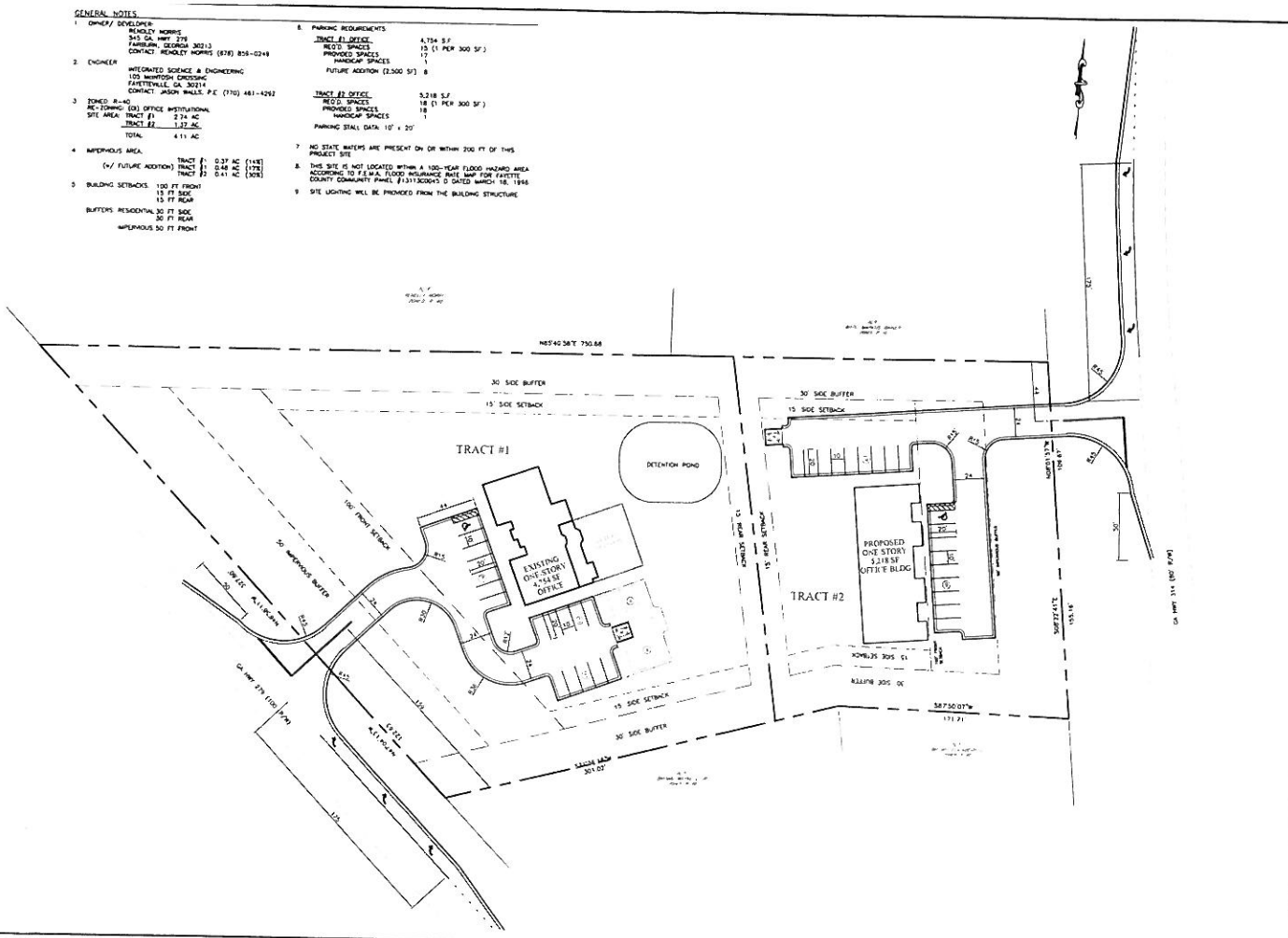
DELTA SURVEYORS INC.™

P.O. BOX 571
Fayetteville, GA 30214
770-460-9342
(fax) 770-460-7114
JOHN 3:16

RDG

GENERAL NOTES:

1. OWNER/ DEVELOPER:
   REDLEY MORRIS
   945 GA. HWY. 279
   FAIRBURN, GEORGIA 30213
   CONTACT REDLEY MORRIS (678) 859-0249
2. ENGINEER
   INTEGRATED SCIENCE & ENGINEERING
   105 McINTOSH CROSSING
   FAYETTEVILLE, GA. 30214
   CONTACT JASON WALLS, P.E. (770) 461-4292
3. ZONED: R-40
   RE-ZONING: (O) OFFICE INSTITUTIONAL
   SITE AREA: TRACT #1 2.74 AC
   TRACT #2 1.37 AC
   TOTAL 4.11 AC
4. IMPERVIOUS AREA:
   TRACT #1 0.37 AC (16%)
   (+/ FUTURE ADDITION) TRACT #1 0.48 AC (17%)
   TRACT #2 0.41 AC (30%)
5. BUILDING SETBACKS: 100 FT FRONT
   15 FT SIDE
   15 FT REAR
   BUFFERS: RESIDENTIAL 30 FT SIDE
   30 FT REAR
   IMPERVIOUS 50 FT FRONT
6. PARKING REQUIREMENTS:
   TRACT #1 OFFICE 4,734 S.F.
   REQ'D SPACES 15 (1 PER 300 SF.)
   PROVIDED SPACES 17
   HANDICAP SPACES 1
   FUTURE ADDITION (2,500 SF) 8
   TRACT #2 OFFICE 5,218 S.F.
   REQ'D SPACES 18 (1 PER 300 SF.)
   PROVIDED SPACES 18
   HANDICAP SPACES 1
   PARKING STALL DATA: 10' x 20'
7. NO STATE WATERS ARE PRESENT ON OR WITHIN 200 FT OF THIS PROJECT SITE
8. THIS SITE IS NOT LOCATED WITHIN A 100-YEAR FLOOD HAZARD AREA ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP FOR FAYETTE COUNTY COMMUNITY PANEL # 13113C0045 D DATED MARCH 18, 1996
9. SITE LIGHTING WILL BE PROVIDED FROM THE BUILDING STRUCTURE



INTEGRATED Science & Engineering

CONCEPTUAL PLANS FOR
HWY. 314 & HWY. 279
OFFICE BUILDING
FAYETTE COUNTY, GA.
LOCATED IN LAND LOT 189 OF THE 13TH DISTRICT FAYETTE COUNTY, GA

CONCEPTUAL SITE PLAN

DRAWING NO
CP1