# COUNTY DEPARTMENT AGENDA REQUEST

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| Department: | Planning & Zoning | Presenter(s): | Pete Frisina/Dennis Dutton |
| Meeting Date: | Thursday, May 28, 2009 | Type of Request: | Public Hearing |

Wording for the Agenda:

Consideration of Petition No. 1214-09, Dan V. Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 17.938 acres from R-40 to O-I for Office Institutional Uses. This property is located in Land Lot 39 of the 7th District and fronts on SR 54 West and Huiet Drive.

Background/History/Details:

The subject property is a portion of the 629.5 acres which was rezoned from A-R to R-40 on December 11, 1980, Petition No. 427-80. The property fronts on Hwy. 54 West, Davis Road, Huiet Drive, and Huiet Road. The property was owned by the Signa Corporation. In November of 1987, 908.9 acres were annexed into the City of Fayetteville and was rezoned to Planned Development Project (PDP) (City of Fayetteville deleted PDP from its ordinance in 1989) which included the 629.5 acres zoned R-40 plus 279.4 acres zoned A-R which lies south of Davis Road. However, this property was de-annexed by the Georgia General Assembly in April of 1988. Since the property was de-annexed, it became unclassified and had no official County zoning designation. On July 14, 1988, the Board of Commissioners approved Petition No. 684-88 to rezone 908.9 acres from unclassified zoning districts to A-R and R-40 as previously indicated on the Official Zoning Map. However, this rezoning was null and void due to the property still being involved in litigation with a pending writ of certiorari to the Supreme Court of the United States of America; therefore, Fayette County could not take any action concerning this property until such litigation was terminated. Again, on December 2, 1989, the Board of Commissioners approved Petition No. 739-89 which rezoned 908.9 acres from unclassified zoning districts to A-R and R-40 as previously indicated on the Official Zoning Map.
On February 24, 2005, the BOC denied Petition No. 1138-05, to rezone the subject property from R-40 to C-H to develop a commercial subdivision consisting of ten (10) acres. A motion was made to rezone the site to O-I; however, the motion failed.

What action are you seeking from the Board of Commissioners?

This petition needs a vote by the Board of Commissioners.

Staff recommended: APPROVE O-I WITH REDUCED AREA PER SECTION 11-8 OF THE ZONING ORDINANCE.
PC recommended: DENY 4-1.

If this item requires funding, please describe:

Not Applicable

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| Has this issue come before the Commissioners in the past? | Yes | If so, when? | Thursday, February 24, 2005 |
| Do you need audio-visual for the presentation? | Yes | Back-up Material Submitted? | Yes |

## STAFF USE ONLY

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| Approved by Finance | Yes | Reviewed by Legal | Yes |
| Approved by Purchasing | Yes | Approved by County Clerk | Yes |
| Administrator's Approval | Yes | | |

Staff Notes: