COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Thursday, January 13, 2011	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. RP-049-10, Wendy K. Peterson, Owner/Agent, request for a revision of the recorded plat for Woods Edge at Timber Lake, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots. This property is located in Land Lots 20 and 21 of the 6th District, fronts on Brown's Crossing Drive, and is zoned PUD-PRD.

Background/History/Details:

The original Final Plat for Woods Edge at Timber Lake Subdivision, Phase I, consists of a total of 86 single-family dwelling lots and was platted in 1997.

This request is to revise the recorded Final Plat for Woods Edge at Timber Lake Subdivision, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots consisting of approximately 1.394 acres and 1.181 acres, which will add one (1) single-family dwelling lot to said subdivision. The subject subdivision is zoned PUD-PRD.

The Planning Commission recommended approval 4-1.

What action are you seeking from the Board of Commissioners?

Final decision by the Board of Commissioners regarding the revision to a recorded Final Plat for Woods Edge at Timber Lake Subdivision, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots.

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	Yes	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: RP-049-10

APPLICANT: Wendy K. Peterson
150 Brown's Crossing Drive
Fayetteville, GA 30215

STAFF RECOMMENDATION: **SUBJECT SUBDIVISION WAS CONDITIONED IN 1996 TO A MAXIMUM OF 154 LOTS; HOWEVER ONLY 145 LOTS ARE PLATTED**

PLANNING COMMISSION HEARING: December 2, 2010

PLANNING COMMISSION RECOMMENDATION: **APPROVE 4-1**

BOARD OF COMMISSIONERS HEARING: January 13, 2011

COMMISSION DECISION: _____

REQUEST: Request revision of the recorded plat for Woods Edge at Timber Lake, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots.

PARCEL SIZE: 2.575 acres

EXISTING USE: One (1) Single-family Dwelling Lot

PROPOSED USE: Two (2) Single-Family Dwelling Lots

LOCATION: Woods Edge at Timber Lake, Phase I, Land Lot(s) 20 and 21 of the 6th District and fronts on Brown's Crossing Drive.

ZONING OF SURROUNDING PROPERTY: PUD-PRD

LAND USE PATTERN: Rural Residential (1 unit/2 to 3 acres)

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Doug Powell made the motion recommend approval. Bill Beckwith seconded the motion. The motion passed 4-1 with Jim Graw voting in opposition.

REASONS FOR RECOMMENDATION:

No homeowners within the subdivision objected to the additional lot.
Subject subdivision was conditioned in 1996 to a maximum of 154 lots; however only 145 lots are platted.
Compatible with the surrounding area.

PLANNING COMMISSION RECOMMENDATION

DATE: December 2, 2010

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-049-10, the application of Wendy K. Peterson to revise the recorded plat for Woods Edge at Timber Lake, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots, be:

✓ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

4-1

This is forwarded to you for final action.

TIM THOMS, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

JIM GRAW

DOUGLAS POWELL

Remarks:

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

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

Date: December 6, 2010

Subject: Board of Commissioners Public Hearing, January 13, 2011

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the revised final plat application scheduled for public hearing on January 13, 2011.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	RP-049-10	Brown's Crossing Drive/Revision of a Recorded Plat for Woods Edge at Timber Lake Subdivision, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots	**SUBJECT DEVELOPMENT WAS CONDITIONED IN 1996 TO A MAXIMUM OF 154 LOTS; HOWEVER ONLY 145 LOTS WERE PLATTED**	**APPROVE 4-1**

DSD/rsw

cc: Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Peter A. Frisina, Division Director of Community Development
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

PETITION NUMBER: RP-049-10

REQUESTED ACTION: Request approval of the Revision of a Recorded Plat for Woods Edge at Timber Lake, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots.

EXISTING USE: One (1) Single-Family Residential Subdivision Lot

PROPOSED USE: Two (2) Single-Family Residential Subdivision Lots

ZONING DISTRICT: PUD-PRD

LOCATION: Brown's Crossing Drive

LAND LOT/DISTRICT: Land Lots 20 and 21of the 6th District

OWNER/APPLICANT: Wendy K. Peterson

INVESTIGATION

The Final Plat for Woods Edge at Timber Lake Subdivision, Phase I, consists of a total of 86 single-family dwelling lots and was platted in 1997. Lot 140 consists of 2.575 acres and contains a single-family dwelling. As proposed (see concept plan), lot 140, containing the existing single-family dwelling, will consist of 1.394 acres and the lot 140A will consist of 1.181 acres.

Petition 930-96, A-R (Agricultural-Residential) to PUD-RPD (Planned Unit Development- Planned Residential Development), was requested by the developer with a total of 154 proposed lots. As a condition of zoning, the total development, consisting of 340.09 acres, was limited to 154 single-family dwelling lots. Currently, Phase I consists of 86 single-family dwelling lots, Phase II consists of 35 single-family dwelling lots, and Phase III consists of 24 single-family dwelling lots for a total of 145 existing single-family dwelling lots.

Revision to a Recorded Plat

Effective October 26, 1995 the Fayette County Subdivision Regulations, Section 4-2.7 Revision to a Recorded Plat, public hearing approval from the Board of Commissioners is required prior to any substantial changes to a recorded final plat. Section 4-2.7 specifically states that ... "proposed revisions to any existing residential or agricultural-residential subdivisions which add property to, increase the number of platted lots, or change the principal use on a lot within a residential subdivision shall be considered in public hearings before the Planning Commission and the Board of Commissioners".

Comprehensive Plan

In 1996, when the property was rezoned, the density of a PUD-PRD was based on the gross acreage minus areas designed for street right-of-way divided by the number of units (340.09 total acres – 23.93 right-of-way acres = 316.7 acres / 154 units = 2.06 acres per unit.) At that time, the requested density conformed to the land use designation of Low Density Agricultural (0.2 to 0.5 units/acre.)

In 1998, the Zoning Ordinance was amended and the density of a PUD-PRD is now based on net acreage (gross acreage minus right-of-way, 100 year floodplain, water impoundments, and land to be dedicated to governing authority). Based on a net acreage density, the Timberlake PUD-PRD does not meet the current Future Land Use Plan, Rural Residential (1 unit/2 to 3 acres) designation for this area. Based on net density the PUD-PRD would yield approximately 125 single-family dwelling lots (340 acres - 70 acres floodplain and 20 acres right-of-way = 250 acres/two = 125 single-family dwelling lots).

However, The PUD zoning district states that:

> "An approved Planned Unit Development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the restrictions and regulations according to which development shall occur."

The Timberlake PUD-PRD was approved with a condition of zoning limiting the number of single-family dwelling lots to 154. Currently 145 lots have been platted. The addition of one lot would be in compliance with the PUD-PRD as approved in 1996.

Access

The subject property has frontage on Brown's Crossing Drive. Brown's Crossing Drive is classified as an Internal Local on the Fayette County Thoroughfare Map.

General Description

The subject property is adjacent to properties described as follows:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.508 acres Lot 139	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)
South	1.744 acres Lot 141	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)

Direction	Acreage	Zoning	Use	Comprehensive Plan
East (across Brown's Crossing Drive)	1.204 acres Lot 50	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)
	2.258 acres Lot 49	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)
	1.833 acres Lot 48	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)
	2.094 acres Lot 47	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)
West	2.361 acres Lot 110	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)
	1.206 acres Lot 109	PUD-PRD	Single-Family Dwelling	Rural Residential (1 unit/2 to 3 acres)

Right-of-Way Dedication

The Final Plat of Woods Edge at Timber Lake, Phase I, indicated 60 feet of right-of-way; therefore, no addition right-of-way will be required.

Final Plat

Should this request be approved, a Revised Final Plat for Lot 140 of Woods Edge at Timber Lake Subdivision, Phase I must be submitted, approved, and recorded prior to the issuance of any building permits for said lot.

Department Comments

Water: Meter and tap can be purchased when ready to build. (Tony Parrott)

Stormwater Management: (Bryan Keller)

Floodplain The property does not contain floodplain per FEMA FIRM panel 13113C00132E. And will have to delineate future floodplain conditions.

Wetlands The property does not contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 2008 National Wetland Inventory Map or per the recorded final plat.

Watershed Watershed applies will apply to the property and any state waters on the site.

Groundwater The property is not within a groundwater recharge area.

Environmental Health Dept.: See attached comments. (Jeff Kilgore)

Board of Education: No comments returned.

Fire Marshal: Approve. (David Scarbrough)

County Engineer/Public Works Director: No public works/engineering comments. (Phil Mallon)

Fayette County Health Department
140 Stonewall Ave
Fayetteville, GA 30214
(770) 305-5415

Timberlake Lot 140
150 Brown's Crossing Dr
Fayetteville., GA 30215
770.716.7417

		Activity ID:	
Site ID:	1-34385	Activity:	SERV
Type:	OSSM	Program:	OSSM
Sub Type:		Activity Type:	PLAN
		Activity Sub Type:	
		Activity Date:	November 02, 2010

Environmental Health Specialist: JAKILGORE

COMMENTS (If any):

Revise a Recorded Plat Evaluation -proposal dated 10/27/10

Petition No.: RP-049-10

Name of Recorded Plat: Woods Edge at Timberlake, Phase 1

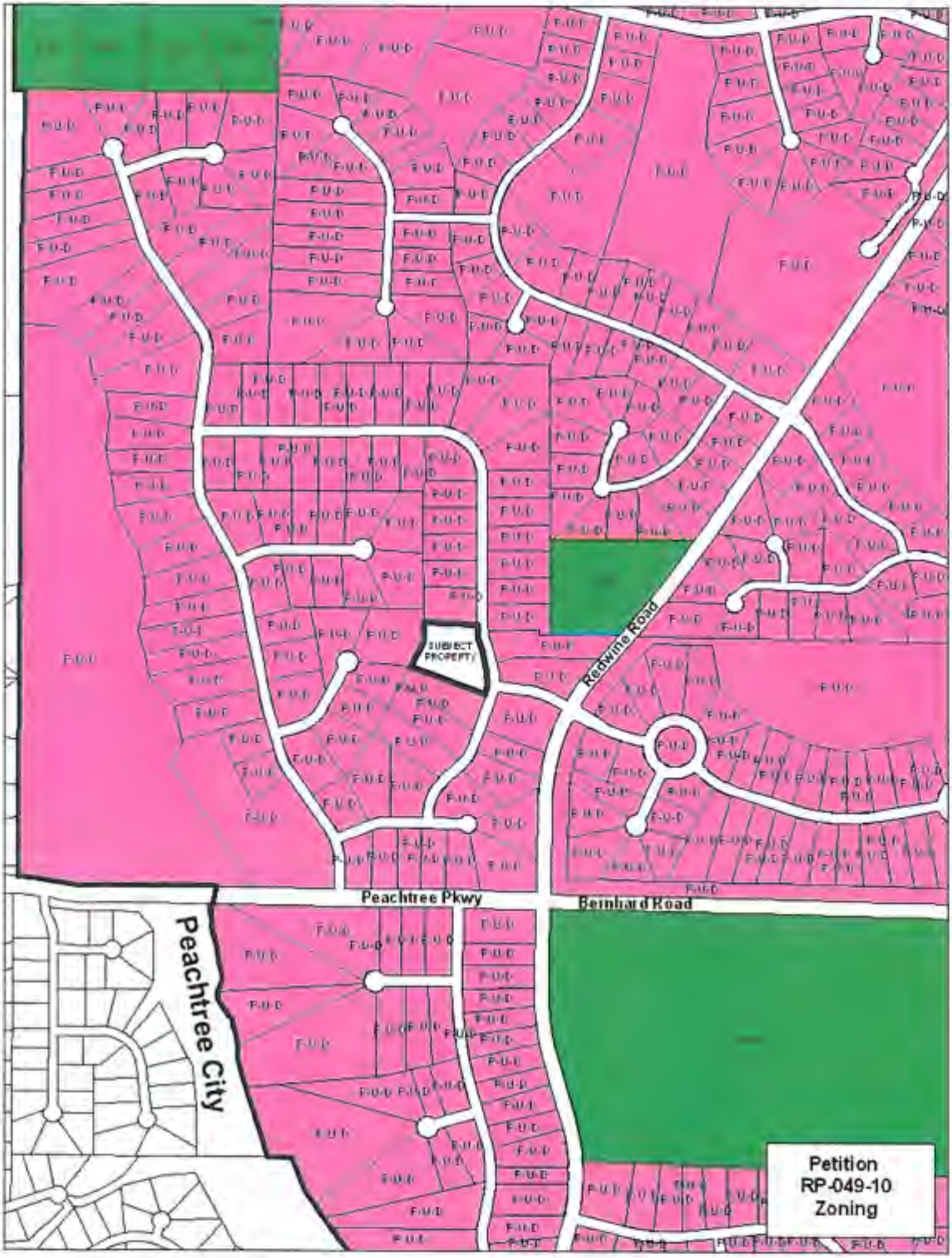
Location of Property: Land Lots 20 & 21 of District 6, fronts on Brown's Crossing Drive and is zoned PUD-PRD

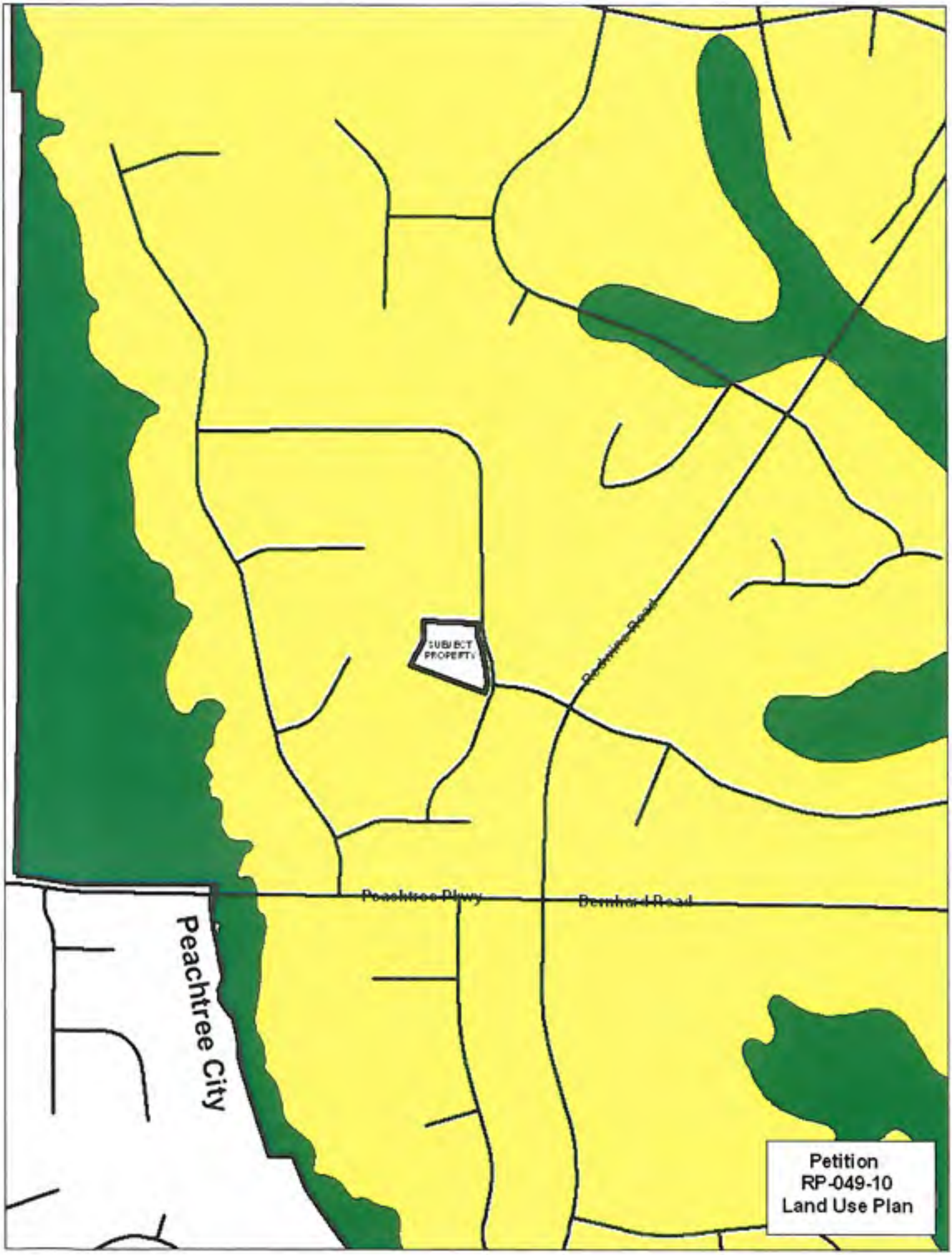
Our department has been in communication with the Peterson's regarding this matter. The following details will need to be addressed before our department is positioned to consider approval for recording the final plat revision. 1).In establishing the lot division one needs to assure the individual sewage disposal system's drainline serving the residence does not encroach or come within 5' of the proposed property line. 2).Through a lower intensity soil survey and previous field work we are aware of soil challenges that exist on the property. We will request a level 4 soil survey be performed on the vacant lot. The area tested should be of adequate size to address the initial and replacement sewage system. 3).A level 4 soil survey will also need to be performed on the lot where the house exist to identify an acceptable area for system replacement and determine what system(s) would qualify for installation. Our department may also require a replacement system be designed by an engineer in the event the soils would not qualify for systems

our department could design. Additional information and /or test may be required if necessary.

xc: Wendy Peterson

Petition
RP-049-10
Aerials 2006


SUBJECT PROPERTY
Redwine Road
Peachtree Pkwy
Bernhard Road
Peachtree City
Petition
RP-049-10
Zoning



Petition
RP-049-10
Land Use Plan

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

Petition No.: RP-050-10
Owner(s)/Agent(s): Wendy K. Peterson
Zoning District: PUD-PRD
Area of Property: 2.575 acres
Proposed Use: Subdivide Lot 140 into two (2) Single-family Dwelling Lots
Land Lot(s)/District: 20 and 21/6th District
Fronts on: 150 Brown's Crossing Drive

Legal Description:

All that tract or parcel of land lying and being in Land Lots 20 and 21of the 6th District of Fayette County, Georgia, and being Lot 140, Woods Edge at Timber Lake Subdivision, Phase I, as per plat recorded in Book 29, Page 160, Fayette County, Georgia records, which plat is hereby incorporated herein and by reference made a part hereof.

PROPOSED SUBDIVISION OF LOT 140

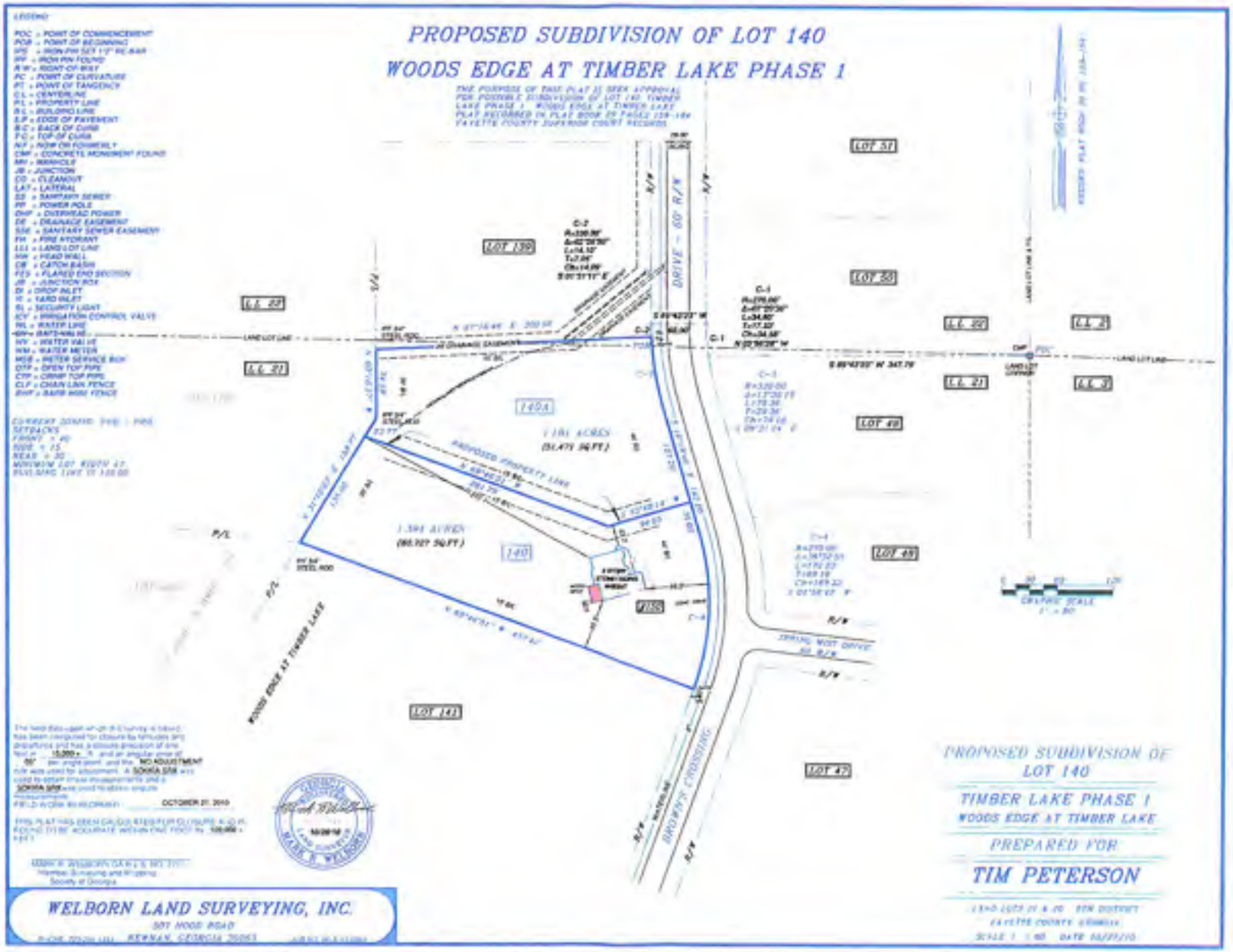
WOODS EDGE AT TIMBER LAKE PHASE 1

THE PURPOSE OF THIS PLAT IS SEEK APPROVAL FOR POSSIBLE SUBDIVISION OF LOT 140 TIMBER LAKE PHASE 1 WOODS EDGE AT TIMBER LAKE PLAT RECORDED IN PLAT BOOK 29 PAGES 139-144 FAYETTE COUNTY SUPERIOR COURT RECORDS

LEGEND

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
IPS = IRON PIN SET 1/2" RE-BAR
IPF = IRON PIN FOUND
R/W = RIGHT-OF-WAY
PC = POINT OF CURVATURE
PT = POINT OF TANGENCY
C/L = CENTERLINE
P/L = PROPERTY LINE
B/L = BUILDING LINE
E/P = EDGE OF PAVEMENT
B/C = BACK OF CURB
T/C = TOP OF CURB
N/F = NOW OR FORMERLY
CMF = CONCRETE MONUMENT FOUND
MH = MANHOLE
JB = JUNCTION
CO = CLEANOUT
LAT = LATERAL
SS = SANITARY SEWER
PP = POWER POLE
OHP = OVERHEAD POWER
DE = DRAINAGE EASEMENT
SSE = SANITARY SEWER EASEMENT
FH = FIRE HYDRANT
L/L = LAND LOT LINE
HW = HEAD WALL
CB = CATCH BASIN
FES = FLARED END SECTION
JB = JUNCTION BOX
DI = DROP INLET
YI = YARD INLET
SL = SECURITY LIGHT
ICV = IRRIGATION CONTROL VALVE
WL = WATER LINE
WV = WATER VALVE
WM = WATER METER
WSB = WATER SERVICE BOX
OTP = OPEN TOP PIPE
CTP = CRIMP TOP PIPE
CLF = CHAIN LINK FENCE
BWF = BARB WIRE FENCE

CURRENT ZONING: PRD - 1 PRD
SETBACKS
FRONT = 40
SIDE = 15
REAR = 30
MINIMUM LOT WIDTH AT BUILDING LINE IS 100.00



OCTOBER 21, 2010

THIS PLAT HAS BEEN GRADED AND FOUND TO COMPLY WITH O.C.G.A. 15-6-67 AND BEING OF THE MOST ACCURATE NATURE AND PURPOSE KNOWN TO ME.

MARK A. WELBORN
Member, Surveying and Mapping Society of Georgia

WELBORN LAND SURVEYING, INC.
501 HOOD ROAD
PHONE: 770-254-1551 NEWNAN, GEORGIA 30263

PROPOSED SUBDIVISION OF
LOT 140
TIMBER LAKE PHASE 1
WOODS EDGE AT TIMBER LAKE
PREPARED FOR
TIM PETERSON
LYING LOTS 21 & 22 - 5TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE 1" = 80' DATE 10/21/10

THE FAYETTE COUNTY PLANNING COMMISSION met on December 2, 2010, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT:	Tim Thoms, Chairman Al Gilbert, Vice-Chairman Bill Beckwith Jim Graw Douglas Powell
MEMBERS ABSENT:	None
STAFF PRESENT:	Pete Frisina, Director of Community Development Robyn S. Wilson, P.C. Secretary/Zoning Coordinator Sgt. Earl Williams
STAFF ABSENT:	Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Thoms called the Public Meeting to order and led the Pledge of Allegiance. Jim Graw gave the Invocation. He introduced the Board Members and Staff and confirmed there was a quorum present.

* * * * * * * * * *

1. Consideration of the Minutes of the Public Hearing held on November 4, 2010.

Chairman Thoms asked the Board Members if they had any comments or changes to the Minutes. Al Gilbert made the motion to approve the Minutes. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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THE FOLLOWING WILL BE CONSIDERED BY THE PLANNING COMMISSION ON DECEMBER 2, 2010, AND BY THE BOARD OF COMMISSIONERS ON JANUARY 13, 2011.

2. Consideration of Petition No. RP-049-10, Wendy K. Peterson, Owner/Agent, request a revision of the recorded plat for Woods Edge at Timber Lake, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots. This property is located in Land Lots 20 and 21 of the 6th District, fronts on Brown's Crossing Drive, and is zoned PUD-PRD.

Wendy Peterson stated she was the second owner of the house and the builder told her the subject property was going to be two (2) lots but the cost of the septic system was going to be too expensive. She said she plans on subdividing the lot and building her personal home on the newly subdivided lot. She reported she had met with the Environmental Health Department and a Level IV Soil Survey would probably be required.

Tim Peterson advised they had notified the ARB Chairman and the HOA President to discuss their plans and both approved the plans. He presented copies of the documentation to the P.C. for the file.

Chairman Thoms 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. Hearing none and with no rebuttal required, he closed the floor from public comments.

Jim Graw commented there appears to be potential problems with the soils based on the Environmental Health Department's comments. He remarked this may be the reason the lot was not platted as two (2) lots by the developer. He added the residents had purchased property in the subdivision knowing exactly how many lots were platted. He expressed concern about the approval setting a precedent.

Al Gilbert said if anyone had been present to oppose the petition, it would have a lot of bearing on his decision. He remarked a PUD is approved with varying lot sizes and he expressed concern about decreasing the size of the lot.

Doug Powell said the ordinance regarding a PUD had been amended two (2) years after the approval of the development. He pointed out the condition of approval had capped the development at 154 lots and only 145 exist. He asked if there were other lots in the subdivision which would be subdivided.

Bill Beckwith stated he would also like to know the answer to Mr. Powell's question.

Robyn Wilson replied there were 15 or more lots over two (2) acres; however, in order to subdivide a lot such items as the required road frontage, lot width, and setbacks would have to be in compliance so all of the two (2) plus acre lots would not be able to subdivide and comply with the requirements of the zoning.

Doug Powell asked if a primary and alternative location for the septic system would apply to the new lot.

Robyn Wilson replied the new lot would be required to meet those requirements.

Tim Peterson noted the existing septic system is over capacity for the existing house. He confirmed he was aware the septic system would have some challenges; the new lot was for their personal home. He added new technology has been developed in the past 12 years and he knew the septic system would be more expensive ($8,000 vs. $4,000.)

Chairman Thoms stated the petition was unique and the total lot count remains under the amount approved as a condition of zoning. Hearing no further business, he called for a motion.

Doug Powell made the motion to recommend approval. Bill Beckwith seconded the motion. The motion passed 4-1 with Jim Graw voting in opposition.

* * * * * * * * * *

Chairman Thoms asked if there was any further business.

Pete Frisina advised the P.C. that the Planning and Zoning Department did not receive any public hearing applications for January; however, a public hearing will be held prior to the public meeting/workshop to elect officers and approve Minutes. Both meetings will be scheduled for Thursday, January 20, 2011, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Doug Powell made the motion to adjourn the Public Hearing. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 7:20 p.m.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

_____
TIM THOMS
CHAIRMAN

_____
ROBYN S. WILSON
SECRETARY