COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, December 12, 2013	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1231-13, 92 Oaks, LLC, Benjamin L. Autrey, Owner, and Joseph L. Robinson, Agent, request to rezone property from EST Estate Residential District and A-R Agriculture-Residential to A-R Agriculture-Residential to develop six (6) residential lots and of RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05.

Background/History/Details:

Staff recommends approval of both requests.

The Planning Commission voted 5-0 to recommend approval of both requests.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1231-13, 92 Oaks, LLC, Benjamin L. Autrey, Owner, and Joseph L. Robinson, Agent, request to rezone property from EST Estate Residential District and A-R Agriculture-Residential to A-R Agriculture-Residential to develop six (6) residential lots and of RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05. This property consists of 217.15 acres located in Land Lots 130, 140, 141, and 148 of the 4th District and fronts on State Route 92 South and Chapman Road.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1231-13

APPLICANT: 92 Oaks LLC – Benjamin L. Autrey
184 Davis Road
Fayetteville, GA
30214

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION HEARING: November 7, 2013

PLANNING COMMISSION RECOMMENDATION: APPROVAL

BOARD OF COMMISSIONERS HEARING: December 12, 2013

COMMISSION DECISION: _____

REQUEST: Request to rezone 217.36 from EST and A-R to A-R to develop a Single Family Residential Subdivision.

EXISTING USE: Undeveloped

PROPOSED USE: Single Family Residential Subdivision

LOCATION: Land Lot 139, 140, 141, & 148 of the 4th District and fronts on SR 92 and Chapman Road

LAND USE PATTERN: Agricultural Residential (1 Unit/5 Acres, 5 Acres Min)

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION: Doug Powell made a motion to approve Petition 1231-13 and RDP-011-13 that the portion of the Development Plan for rezoning Petition 1158-05 containing this rezoning be deemed void.

Jim Graw seconded the motion.

The motion passed unanimously.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

PLANNING COMMISSION RECOMMENDATION

DATE: November 7, 2013

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1231-13, the application of 92 Oaks, LLC (Benjamin Autrey) to rezone 217.5 acres from EST Estate Residential and A-R Agriculture-Residential to A-R: Agriculture-Residential, be:

5-0

__✓__ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

AL GILBERT, CHAIRMAN

JIM GRAW, VICE-CHAIRMAN

BILL BECKWITH

DOUG POWELL

TIM THOMS

Remarks:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: RDP-011-13

REVISED PUD DEVELOPMENT PLAN: Rezoning petition 1185-05

APPLICANT: Ben Autrey of 92 Oaks, LLC.
184 Davis Road
Fayetteville, GA 30214

STAFF RECOMMENDATION: **APPROVE**

PLANNING COMMISSION HEARING: November 7, 2013

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

COMMISSION HEARING: December 12, 2006

COMMISSION DECISION:

REQUEST: Request that the portion of the Development Plan for rezoning Petition 1158-05 containing this rezoning be deemed void.

LOCATION: Land Lot(s) 193, 194, 223, and 224 of the 5th District, fronts on S.R. 92 South and Chapman Road, and is zoned EST.

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Doug Powell made a motion to approve Petition 1231-13 and RDP-011-13 that the portion of the Development Plan for rezoning Petition 1158-05 containing this rezoning be deemed void.

Jim Graw seconded the motion.

Chairman Gilbert called the vote and the motion passed unanimously.

REASONS FOR RECOMMENDATION:

Said revised development plan meets all the County's requirements.

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

92 OAKS, LLC
RDP-011-13

WHEREAS, 92 Oaks, LLC (Benjamin Autrey) , Owner and Joseph L. Robison, P.E. of Robison Surveys, Agent having come before the Fayette County Planning Commission on November 7, 2013, requesting approval to revise the Development Plan for Petition 1158-05 containing this rezoning be deemed void; and

WHEREAS, said request being as follows: Approval to revise the Development Plan of Petition 1158-05 containing this rezoning be deemed void for 92 Oaks, LLC request to rezone the property from EST Estate zoning to A-R Agriculture Residential zoning, which is located in Land Lots 139, 140, 141, and 148 of the 4th District, and fronts on S.R. 92 South and Chapman Road; and

WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request;

BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

Said revised development plan meets all the County's requirements.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

AL GILBERT
CHAIRMAN

DENNIS S. DUTTON
SECRETARY

REQUESTED ACTION: Rezone from EST & A-R to A-R and revise the Development Plan for Rezoning Petition 1158-05 (RDP-011-13)

PROPOSED USE: Single Family Residential Subdivision

EXISTING USE: Undeveloped

LOCATION: SR 92 & Chapman Road

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 139, 140, 141, & 148

OWNER: Benjamin L. Autry

APPLICANT: Joseph L. Robinson

PLANNING COMMISSION PUBLIC HEARING: November 7, 2013

BOARD OF COMMISSIONERS PUBLIC HEARING: December 12, 2013

APPLICANT'S INTENT

Applicant proposes to develop a Single Family Residential Subdivision consisting of six (6) lots on 217.15 acres and revise the Development Plan for Rezoning Petition 1158-05 (RDP-011-13).

STAFF RECOMMENDATION

Approval of Petition 1231-13 and RDP-011-13 (that the portion of the Development Plan for Petition 1158-05 containing this rezoning be deemed void)

INVESTIGATION

A. PROPERTY SITE

The subject property is a 217.15 acre tract fronting on SR 92 & Chapman Road in Land Lot(s) 139, 140, 141, & 148 of the 4 District. SR 92 & Chapman Road is classified as a Major Arterial and Chapman Road is classified as County Local on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned EST & A-R.

History: On January 12, 2005, the Board of Commissioners approved Petition No. 1158-13 to rezone 393.98 acres from A-R to EST. The Chantilly Subdivision Final Plat was recorded on June 6, 2007 and consisted of 31 lots on 180.55 acres. Chantilly Subdivision is in the northern portion of the 393.98 acre rezoning. The subject property (217.15 acres) is in the southern portion of the 393.98 acre rezoning and was to be developed into a separate subdivision.

B. SURROUNDING ZONING AND USES

The general situation is 217.15 acre tract that is zoned EST & A-R. In the vicinity of the subject property is land which is zoned R-40, R-55, EST, A-R, & R-40. 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	N/A	EST	Chantilly Subdivision	Agricultural-Residential (1 Unit/5 Acres)
South (across Chapman Road)	10	A-R	Residential	Agricultural-Residential (1 Unit/5 Acres)
	43	A-R	Undeveloped	Agricultural-Residential (1 Unit/5 Acres)
East	89	A-R	Undeveloped	Agricultural-Residential (1 Unit/5 Acres)
	69	A-R	Undeveloped	Agricultural-Residential (1 Unit/5 Acres)
West	Four lots ranging from 5 to 8.4	A-R	Each containing a residence	Agricultural-Residential (1 Unit/5 Acres)
(across SR 92)	Six lots ranging from 1.8 to 2.3	A-R	Each is undeveloped	Agricultural-Residential (1 Unit/5 Acres)

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone EST & A-R from to A-R for the purpose of developing a Single Family Residential Subdivision and revise the Development Plan for Rezoning Petition 1158-05.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
(proposed zoning district)	F - ' Arterial F - ' Collector F - ' Minor S - ' R - '	1 Acre* 1.5 Acre**	sq ft	' Arterial ' Collector ' Minor	N/A
(existing zoning district)	F - ' Arterial F - ' Collector F - ' Local S - ' R - '	1 Acre* 1.5 Acres **	sq ft	' Arterial ' Collector ' Minor	N/A

* 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.

Platting

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

Right-of-Way Requirements

As per the Fayette County Subdivision Regulations, Section 6-5.13 Additional Right-of-Way and the Fayette County Development Regulations, Section 8-48. Minimum Right-of-Way Widths and Dedication Requirements should a proposed subdivision adjoin an existing street, the developer shall dedicate additional right-of-way to meet one-half the minimum right-of-way requirement for the applicable functional classification as indicated on the Fayette County Thoroughfare Plan. SR 92 & Chapman Road is classified as a County Local road on the Fayette County Thoroughfare Plan and has a required right-of-way of 60 feet. The applicant submitted a Quitclaim deed for the required right-of-way on Chapman Road with the rezoning application.

SR 92 & Chapman Road is classified as a Major Arterial road on the Fayette County Thoroughfare Plan. This being a State Route, 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 Minor Subdivision Plat.

E. Revision of a Development Plan (RDP-011-13)

Per Section 6-3. EST, Estate Residential District of the Fayette County Zoning Ordinance states:

> A Development Plan shall be required for the rezoning petition. The Development Plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved Development Plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the Board of Commissioners upon the recommendation of the Planning Commission. A petition for a revision of the Development Plan shall be supported by a written statement as to why the revisions are necessary.

As previously mentioned, on January 12, 2005, the Board of Commissioners approved Petition No. 1158-13 to rezone 393.98 acres from A-R to EST. A Development Plan indicating that the 393.98 acre rezoning was to be developed into two (2) separate subdivisions was submitted and approved with the rezoning. The Chantilly Subdivision Final Plat was recorded on June 6, 2007 and consists of 31 lots on 180.55 acres. Chantilly Subdivision is in the northern portion of the 393.98 acre rezoning. The subject property (217.15 acres) is in the southern portion of the 393.98 acre rezoning and was to be developed into the aforementioned separate subdivision. With this rezoning request it is not the intent of the property owner to develop the property per the Development Plan nor is it required under the A-R Zoning District. Since the Chantilly Subdivision was developed per the Development Plan, Staff recommends that the portion of the Development Plan containing this rezoning request be deemed void.

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 Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

G. DEPARTMENTAL COMMENTS

Water System

There is currently no water availability to this site. The referenced parcel is approximately 13,000 feet from our 10" existing facilities on S.R. 92.

Engineering/ Public Works

Public Works/Engineering offers the following comments for consideration by the applicant as they plan and budget for development.

1. GDOT Road Frontage – Applicant is responsible for getting driveway permit from GDOT on SR 92. County has not verified if there are sight distance concerns for the proposed lots.
2. Chapman Road – There are no plans to improve (pave) Chapman Road.

Environmental Management

Floodplain: The property **does** contain floodplain per FEMA FIRM panel 13113C0160E, dated 9/26/2008. Per Fayette County Future Conditions Flood Study a minimum finished floor elevation of 761.26 ft. will be required.

Wetlands: The property **does** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection: Fayette County Watershed Protection buffers and setbacks **do** apply. The buffer and set back along the Flint River is the 100-year flood elevation. Along the perennial and intermittent tributaries, a 100 ft. buffer and 50 ft. setback will apply.

Groundwater Recharge Area: The property is within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Environmental Health Department

Our department has no comment regarding the rezoning request. A reconnaissance soil survey (Level 1 or 2) is recommended to assist in subdividing the proposed lots.

Fire and EMS

The Bureau of Fire Prevention will neither approve nor deny requests outside the scope of I.S.O. requirements.

Sheriff

No issues with Sheriff's Office.

Georgia Department of Transportation

We have no issues with rezoning. The property owner will have to get with the local permit inspector in Griffin, GA for residential driveway.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from EST & A-R to A-R for the purpose of developing Single Family Residential Subdivision. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

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

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

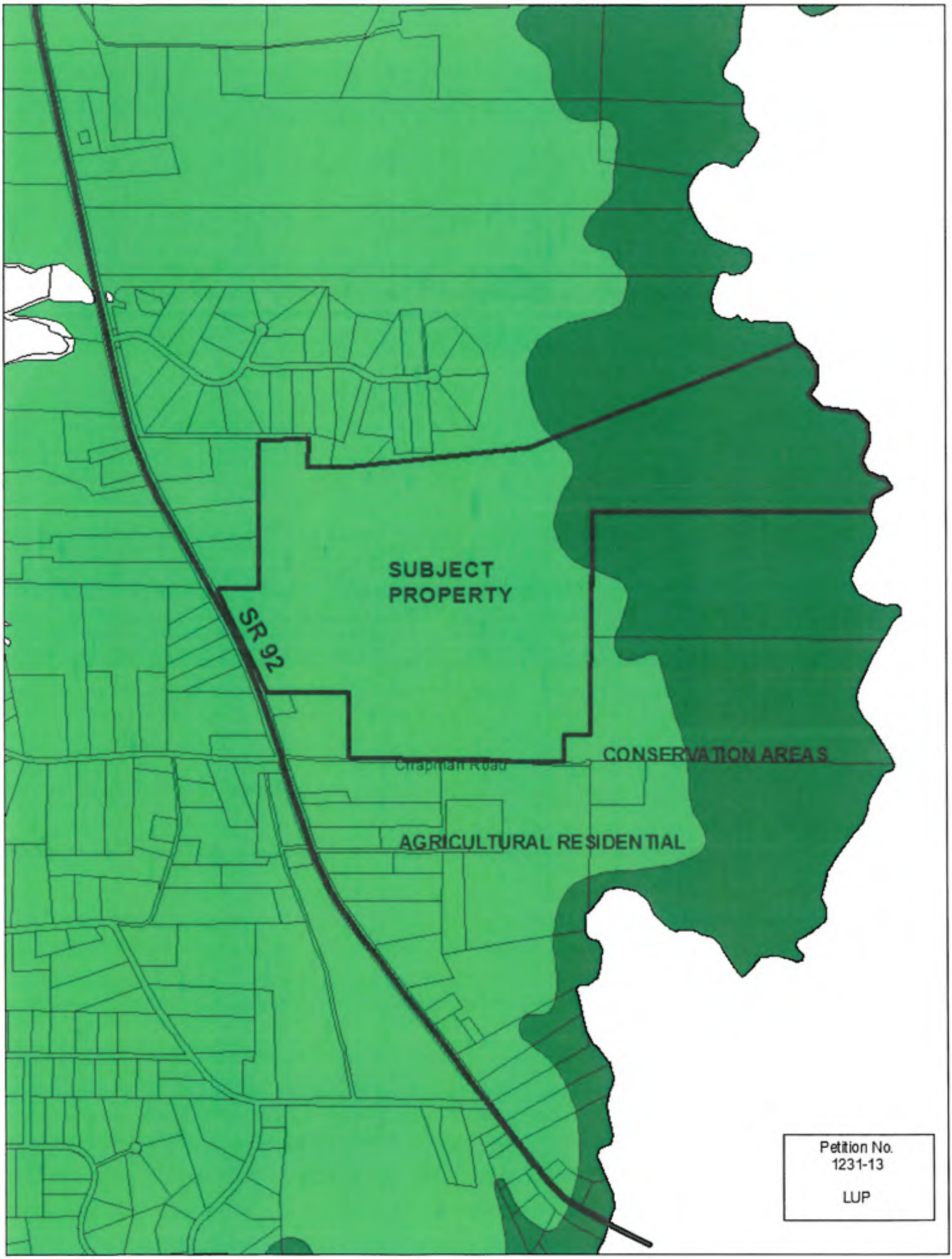
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

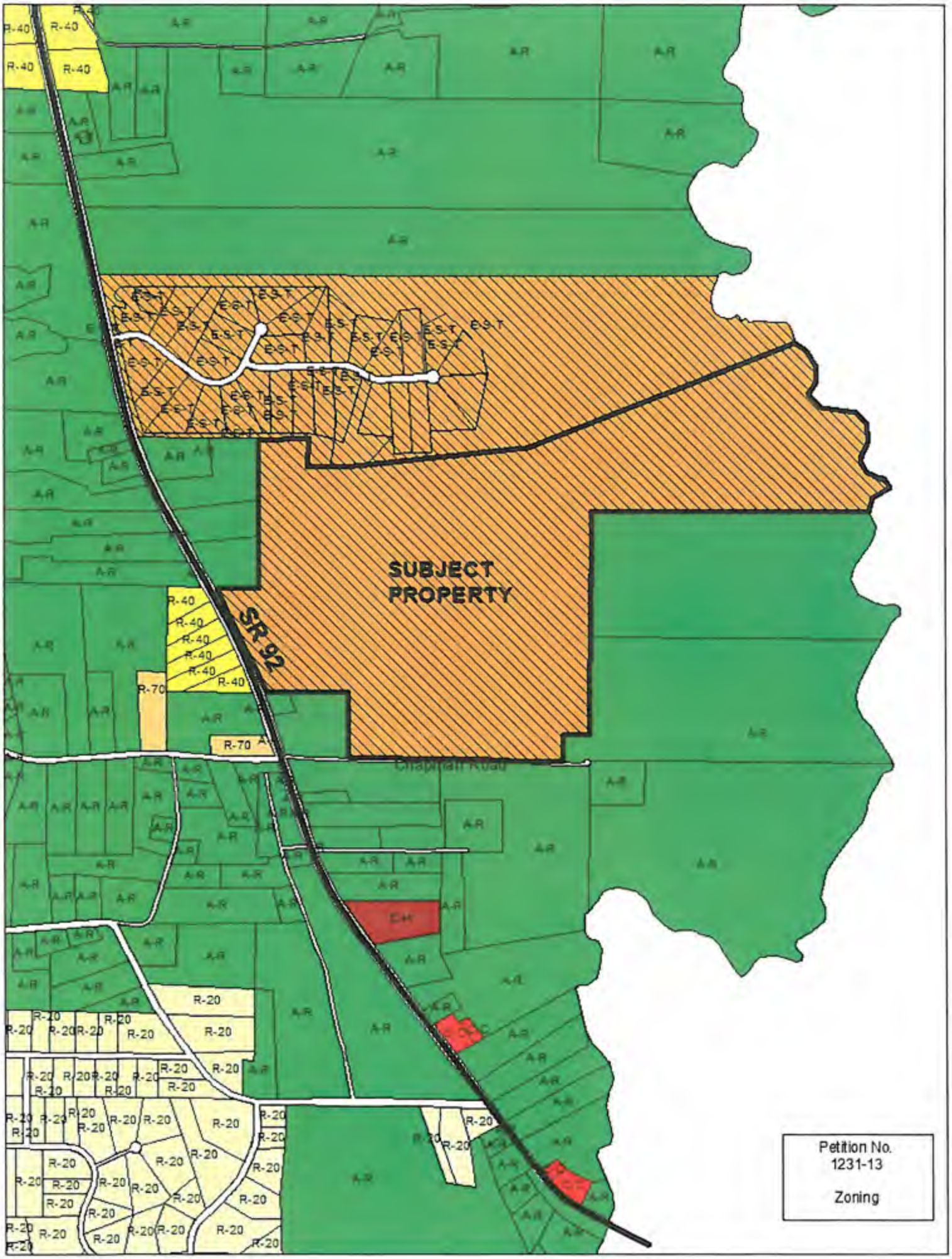
4. Existing conditions and the area's continuing development as an agricultural-residential/single-family residential area support this petition.

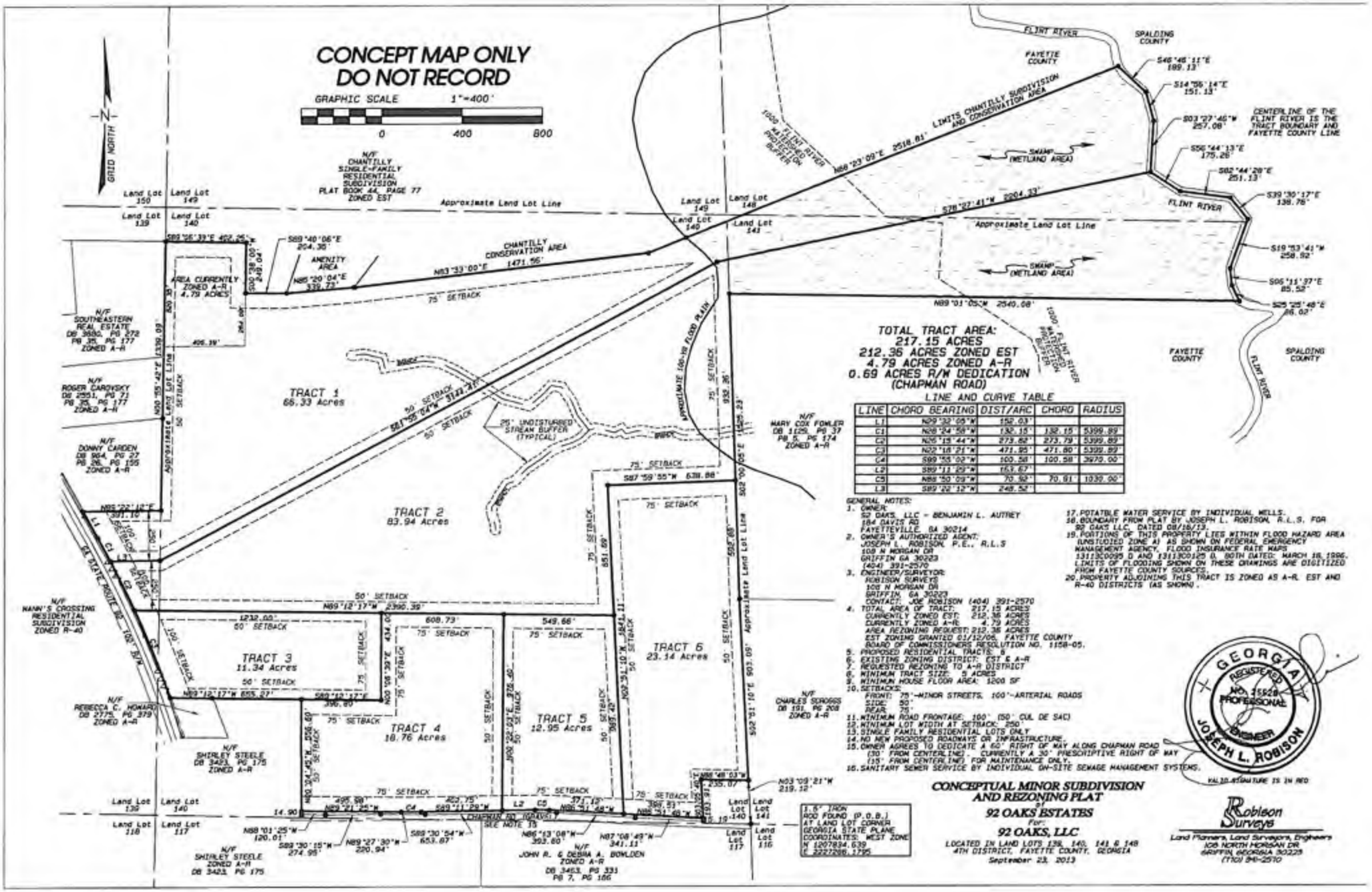
Based on the foregoing Investigation and Staff Analysis, Staff recommends **Approval of Petition 1231-13 and RDP-011-13 (that the portion of the Development Plan for Petition 1158-05 containing this rezoning be deemed void).**

Petition No.
1231-13

Aerials 2010


SUBJECT
PROPERTY
SR 92
Chapman Road
CONSERVATION AREAS
AGRICULTURAL RESIDENTIAL
Petition No.
1231-13
LUP


SUBJECT PROPERTY
SR 92
Chapman Road
R-40
R-70
R-20
A-R
C-H
E-S-T
Petition No.
1231-13
Zoning



TOTAL TRACT AREA:
217.15 ACRES
212.36 ACRES ZONED EST
4.79 ACRES ZONED A-R
0.69 ACRES R/W DEDICATION
(CHAPMAN ROAD)

LINE AND CURVE TABLE

LINE	CHORD BEARING	DIST/ARC	CHORD	RADIUS
L1	N29°32'05"W	152.03'		
C1	N08°24'58"W	132.15'	132.15'	5399.89'
C2	N05°15'44"W	273.62'	273.79'	5399.89'
C3	N02°16'21"W	471.95'	471.80'	5399.89'
C4	S89°53'02"W	100.58'	100.58'	3970.00'
L2	S89°11'22"W	153.67'		
C5	N88°50'09"W	70.92'	70.81'	1039.90'
L3	S89°22'12"W	248.52'		

GENERAL NOTES:
1. OWNER:
   52 OAKS, LLC - BENJAMIN L. AUTREY
   184 DAVIS RD
   FAYETTEVILLE, GA 30214
2. OWNER'S AUTHORIZED AGENT:
   JOSEPH L. ROBISON, P.E., R.L.S
   108 N MORGAN DR
   GRIFFIN GA 30223
   (404) 391-2570
3. ENGINEER/SURVEYOR:
   ROBISON SURVEYS
   108 N MORGAN DR
   GRIFFIN, GA 30223
   CONTACT: JOE ROBISON (404) 391-2570
4. TOTAL AREA OF TRACT: 217.15 ACRES
   CURRENTLY ZONED EST: 212.36 ACRES
   CURRENTLY ZONED A-R: 4.79 ACRES
   AREA REZONING REQUEST: 212.36 ACRES
   EST ZONING GRANTED 01/12/06, FAYETTE COUNTY BOARD OF COMMISSIONERS RESOLUTION NO. 1158-05.
5. PROPOSED RESIDENTIAL TRACTS: 6
6. EXISTING ZONING DISTRICT: EST & A-R
7. REQUESTED REZONING TO A-R DISTRICT
8. MINIMUM TRACT SIZE: 5 ACRES
9. MINIMUM HOUSE FLOOR AREA: 1200 SF
10. SETBACKS:
    FRONT: 75'-MINOR STREETS, 100'-ARTERIAL ROADS
    SIDE: 50'
    REAR: 75'
11. MINIMUM ROAD FRONTAGE: 100' (50' CUL DE SAC)
12. MINIMUM LOT WIDTH AT SETBACK: 250'
13. SINGLE FAMILY RESIDENTIAL LOTS ONLY
14. NO NEW PROPOSED ROADWAYS OR INFRASTRUCTURE.
15. OWNER AGREES TO DEDICATE A 60' RIGHT OF WAY ALONG CHAPMAN ROAD (30' FROM CENTERLINE). CURRENTLY A 30' PRESCRIPTIVE RIGHT OF WAY (15' FROM CENTERLINE) FOR MAINTENANCE ONLY.
16. SANITARY SEWER SERVICE BY INDIVIDUAL ON-SITE SEWAGE MANAGEMENT SYSTEMS.
17. POTATBLE WATER SERVICE BY INDIVIDUAL WELLS.
18. BOUNDARY FROM PLAT BY JOSEPH L. ROBISON, R.L.S. FOR 92 OAKS LLC. DATED 08/16/13.
19. PORTIONS OF THIS PROPERTY LIES WITHIN FLOOD HAZARD AREA (UNSTUDIED ZONE A) AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS 13113C0095 D AND 13113C0125 D, BOTH DATED: MARCH 16, 1996. LIMITS OF FLOODING SHOWN ON THESE DRAWINGS ARE DIGITIZED FROM FAYETTE COUNTY SOURCES.
20. PROPERTY ADJOINING THIS TRACT IS ZONED AS A-R, EST AND R-40 DISTRICTS (AS SHOWN).

CONCEPTUAL MINOR SUBDIVISION AND REZONING PLAT
of
92 OAKS ESTATES
For:
92 OAKS, LLC
LOCATED IN LAND LOTS 138, 140, 141 & 148
4TH DISTRICT, FAYETTE COUNTY, GEORGIA
September 23, 2013

Robison Surveys
Land Planners, Land Surveyors, Engineers
108 NORTH MORGAN DR
GRIFFIN, GEORGIA 30223
(770) 391-2570

THE FAYETTE COUNTY PLANNING COMMISSION met on November 7, 2013 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Bill Beckwith
Douglas Powell
Tim Thoms

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

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

* * * * * * * * * * *

1. Consideration of the Minutes of the Meeting held on October 17, 2013.

Doug Powell made a motion to approve the minutes. Tim Thoms seconded the motion. The motion passed unanimously.

PUBLIC HEARING

2. Consideration of Petition No. 1231-13, 92 Oaks, LLC, Benjamin L. Autrey, Owner, and Joseph L. Robinson, Agent, request to rezone property from EST Estate Residential District and A-R Agriculture-Residential to A-R Agriculture-Residential to develop six (6) residential lots and RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05. This property consists of 217.15 acres located in Land Lots 130, 140, 141, and 148 of the 4th District and fronts on SR 92 South and Chapman Road.

Joe Robinson said he was involved in the original rezoning to EST back in 2005 and what we are requesting tonight is to revert the zoning on about 217 acres back to A-R and about four (4) acres of the subject property is currently zoned A-R. He stated the current owner has no intention of developing the property under the EST zoning or the current Development Plan and that is why we are requesting that the Development Plan for this portion of the property be deemed void.

Chairman Gilbert asked if there was anyone in the audience that wished to comment of the petitions. Seeing none he closed the public hearing.

Doug Powell made a motion to approve Petition 1231-13 and RDP-011-13 that the portion of the Development Plan for rezoning Petition 1158-05 containing this rezoning be deemed void.

Jim Graw seconded the motion and said the only point he would like to make is this request does comply with the Comprehensive Plan.

Chairman Gilbert said in his 25 years on the Planning Commission this is only the second time he has seen property revert back to A-R.

Chairman Gilbert called the vote and the motion passed unanimously.

3. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Regarding Article III. Definitions, Article V. General Provisions, Sec. 5-45. Standards For Telecommunications Antennas And Towers, and Article VI. District Use Requirements, Sec. 6-22. M-1 Light Industrial District and Sec. 6-23. M-2 Manufacturing and Heavy Industrial District.

Pete Frisina said the amendment to Sec. 5-45 for cell towers involves a procedure for a cell tower to be relocated on the same property through the revision of the site plan and allows two (2) towers to be on the same property for a period of time. He added that the time period to remove the original tower 120 days.

Doug Powell asked why they would do this.

Pete Frisina explained Camp Southern Ground as an example is considering moving an existing cell tower to a different location on the property as the current location is in the middle of the camp and it would be best to have the procedure in place because someone else may want to do the something in the future on another site. He added that our County Attorney advised that this procedure should be addressed in our ordinance as it will allow two (2) towers in close proximity to each other which is not allowed in the ordinance.

Jim Graw asked when the 120 day period starts.

Pete Frisina said when the CO is issued for the replacement tower.

Pete Frisina said the other amendment for this is to the definition of a Planned Tower which now includes a process for a revision to a site plan.

Pete Frisina said the other amendments are to M-1 and M-2 and it is to raise the building height limit from 35 feet to 50 feet.

Al Gilbert asked if there was any one from the public that would like to comment. No one spoke on these subjects.

Tim Thoms asked if Camp Southern Ground would have to come back through the public hearing process to move the tower since they are a PUD.

Pete Frisina said they would not because the tower was in place prior to the rezoning to PUD and the applicants mentioned at the rezoning that they may relocate the tower. He said we only want to go back through the public hearing process for significant changes.

Doug Powell made a motion to approve the amendments. Bill Beckwith seconded the motion. The motion passed unanimously.

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Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Tim Thoms said so moved.

Chairman Gilbert said the meeting was adjourned at 7:17 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

_____
Al GILBERT, CHAIRMAN

ATTEST:

_____

APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: 92 Oaks, LLC - Benjamin L. Autrey

MAILING ADDRESS: 184 Davis Rd., Fayetteville, GA 30214

PHONE: (770) 719-2454 **FAX:** (404) 715-0860

AGENT FOR OWNERS: Joseph L. Robison, P.E., R.L.S

MAILING ADDRESS: 108 N Morgan Dr., Griffin, GA 30223

PHONE: (404) 391-2570 **FAX:** N/A

E-MAIL: [redacted]

PROPERTY LOCATION: **LAND LOT** 139,140,141,148 **LAND DISTRICT** 4th **PARCEL** 0429-012
LAND LOT _____ **LAND DISTRICT** _____ **PARCEL** _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 212.36 Acres (4.79 Acres currently zoned A-R)

EXISTING ZONING DISTRICT: Mixed - EST & A-R **PROPOSED ZONING DISTRICT:** A-R

ZONING OF SURROUNDING PROPERTIES: A-R, EST, R-40

PRESENT USE OF SUBJECT PROPERTY: IDLE WOODLAND

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residential

LAND USE PLAN DESIGNATION: Agricultural - Residential (1 Unit per 5 Acres)

NAME AND TYPE OF ACCESS ROAD: GA Highway 92 South (paved highway), Chapman Rd (gravel road)

LOCATION OF NEAREST WATER LINE: Woolsey GA

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** 1235 - 13

[ ] **Application Insufficient due to lack of:** _____

by Staff: _____ **Date:** Oct. 1, 2013

[✓] **Application and all required supporting documentation is Sufficient and Complete**

by Staff: _____ **Date:** Oct. 1, 2013

DATE OF PLANNING COMMISSION HEARING: November 7, 2013

DATE OF COUNTY COMMISSIONERS HEARING: December 12, 2013

Received from 92 Oaks LLC **a check in the amount of $** 550.00 **for application filing fee, and $** 40.00 **for deposit on frame for public hearing sign(s).**

Date Paid: Oct 1, 2013 **Receipt Number:** 590.00

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:

92 Oaks, LLC - Benjamin L. Autrey
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0429-012

(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) 139,140,141,148 **of the** 4th **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 Joseph L. Robison **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.

Signature of Property Owner 1	Signature of Notary Public
184 DAVIS RD, FAYETTEVILLE, GA 30215	09/30/2013
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
108 N MORGAN DR Griffin 30223	09/30/2013
Address	Date

JADE PERRY NOTARY PUBLIC GEORGIA EXPIRES Sept. 28, 2014 PIKE COUNTY

JADE PERRY NOTARY PUBLIC GEORGIA EXPIRES Sept. 28, 2014 PIKE COUNTY

NAME: 92 Oaks, LLC - Benjamin L. Autrey **PETITION NUMBER:** _____

ADDRESS: 184 Davis Rd., Fayetteville, GA 30214

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

92 Oaks, LLC/Benjamin L. Autrey **affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n)** EST & A-R **Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $** 550.00 **to cover all expenses of public hearing. He/She petitions the above named to change its classification to** A-R**.**

This property includes: (check one of the following)

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

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

See Attachment

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 7th **day of** November**, 20**13 **at 7:00 P.M.**

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 12th **day of** December**, 20**13 **at 7:00 P.M.**

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30TH **DAY OF** SEPTEMBER**, 20**13**,**

NOTARY PUBLIC **APPLICANT'S SIGNATURE**

JADE PERRY NOTARY PUBLIC GEORGIA PIKE COUNTY EXPIRES Sept. 28, 2014

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, 92 Oaks, LLC, Benjamin L. Autrey **, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County,** 30 **feet of right-of-way along** Chapman Road **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 30TH **day of** SEPTEMBER **, 20** 13 **.**

Ben L. Autrey

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

JADE PERRY NOTARY PUBLIC GEORGIA PIKE COUNTY EXPIRES Sept. 28, 2014

92 Oaks LLC
184 Davis Road
Fayetteville, GA 30214

October 30, 2013

Fayette County Commission
140 Stonewall Ave West
Fayetteville, GA 30214

Dear Board of Commissioners,

In conjunction with Rezoning Petition 1231-13, 92 Oaks LLC requests a revision to the Development Plan for Rezoning Petition 1185-05 approved January 12, 2005. A Development Plan indicating that this 393.98 acre rezoning was to be developed into two (2) separate subdivisions was submitted and approved with the rezoning.

The Chantilly Subdivision Final Plat was recorded on June 6, 2007 and consists of 31 lots on 180.55 acres. Chantilly Subdivision is in the northern portion of the 393.98 acre rezoning. The subject property (217.15 acres) is in the southern portion of the 393.98 acre rezoning and was to be developed into the aforementioned separate subdivision. With this rezoning request it is not the intent of the property owner to develop the property per the Development Plan nor is it required under the A-R Zoning District. Since the Chantilly Subdivision was developed per the Development Plan, we request that the portion of the Development Plan containing this rezoning request be deemed void.

We appreciate your consideration of this request.

Sincerely,

Joseph L. Robison, Agent
92 Oaks LLC