Public Hearing #8

COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, January 23, 2014	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1232-13, Jerry M. Gable and Lowell T. Mullins, Owners, and Christine Flanigan, Agent, request to rezone 3.35 acres from A-R Agriculture-Residential to R-40 Single-Family Residential to develop two (2) residential lots, with said property being located in Land Lot 88 of the 5th District and fronting on South Jeff Davis Drive and Callaway Road, with three recommended conditions.

Background/History/Details:

Staff recommends approval of Petition 1232-13 to rezone 3.35 acres from A-R: Agriculture-Residential to R-40: Single-Family Residential, with three recommended conditions.

The Planning Commission voted 3-1 for approval of Petition 1232-12, with three recommended conditions. The recommended conditions are highlighted on the first page of the supporting material to this request.

Based on input from the County Attorney the recommended conditions have been amended since the Planning Commission meeting and includes a 180-day period to meet certain conditions and if the 180-day deadline is not met it will require the removal of an illegal single-family dwelling within thirty days.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1232-13, Jerry M. Gable and Lowell T. Mullins, Owners, and Christine Flanigan, Agent, request to rezone 3.35 acres from A-R Agriculture-Residential to R-40 Single-Family Residential to develop two (2) residential lots, with said property being located in Land Lot 88 of the 5th District and fronting on South Jeff Davis Drive and Callaway Road, with three recommended conditions.

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

Staff Notes:

Planning staff has spoken with the applicants and they have agreed with the proposed revisions. The Board of Commissioners needs to ensure the applicants go on records and agree with the three recommended conditions reflected on page 12 (1-7).

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-40 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of South Jeff Davis Drive prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

2. That a variance for the existing single-family dwelling's encroachment into the front yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to any improvements to the existing structure to meet the required minimum floor area (see 3. (2) below). If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the owner/developer agrees to remove/demolish the existing single-family dwelling within 30 days from the date of the expiration. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

3. That the applicant brings the existing single-family dwelling into compliance with the R-40 zoning district. This can be achieved either through:

   (1) A variance, obtained from the Zoning Board of Appeals, to reduce the square footage requirement. If the owner/developer pursues a variance for the size of the existing single-family dwelling, said variance shall be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals; or

   (2) By adding square footage to the existing single-family dwelling to bring it into compliance. If the owner/developer chooses to add the required square footage to the existing single-family structure a variance from the Subdivision Regulations to issue a building permit prior to the approval of the of the Minor Subdivision Plat shall be obtained from the Planning Commission within 180 days from the effective date of this rezoning and coordinated with the aforementioned variance needed for the encroachment into the front yard setback. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.) (This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1232-13

APPLICANT: Jerry M. Gamble & Lowell T. Mullins
663 Clear Creek Valley Dr.
Elijay, GA
30536

STAFF RECOMMENDATION: Approval with three (3) Conditions

PLANNING COMMISSION HEARING: December 5, 2013

PLANNING COMMISSION RECOMMENDATION: Approval with three (3) Conditions

BOARD OF COMMISSIONERS HEARING: January 23, 2014

COMMISSION DECISION: _____

REQUEST: Request to rezone 3.35 from A-R to R-40 to develop a Single Family Residential Subdivision.

PARCEL SIZE: 3.35

EXISTING USE: Single-Family Residential

PROPOSED USE: Single Family Residential Subdivision

LOCATION: Land Lot 88 of the 5th District and fronts on South Jeff Davis Drive & Callawy Road

ZONING OF SURROUNDING PROPERTY: A-R & R-45

LAND USE PATTERN: Low Density Residential (1 Unit/1 to 2 Acres)

MOTION AND VOTE OF PLANNING COMMISSION:

Tim Thoms made a motion to approve the petition with three (3) conditions. Bill Beckwith seconded the motion. The motion passed 3-1 with Doug Powell voting in opposition to the motion. Jim Graw was absent.

REASON(S) FOR RECOMMENDATION:

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

PLANNING COMMISSION RECOMMENDATION

DATE: December 5, 2013

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1232-13, the application of Jerry M. Gable & Lowell T. Mullins to rezone 3.35 from A-R to R-40, be:

3 Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

AL GILBERT, CHAIRMAN

ABSENT

JIM GRAW, VICE-CHAIRMAN

BILL BECKWITH

NO

DOUG POWELL

TIM THOMS

Remarks:

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. 1232-13

WHEREAS, Jerry M. Gable & Lowell T. Mullins, Owner, and Christine Flanigan, Agent, having come before the Fayette County Planning Commission on December 5, 2013, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 3.35 from A-R to R-40, in the area of South Jeff Davis Drive & Callawy Road, Land Lot 88 of the 5th District, for the purpose of developing a Single Family Residential Subdivision; 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

This decision is based on the following reasons:

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

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

AL GILBERT
CHAIRMAN

DENNIS S. DUTTON
PC SECRETARY

To: Fayette County Board of Commissioners

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

Date: January 10, 2014

Subject: Board of Commissioners Public Hearing, January 23, 2014

The attached report is submitted for you consideration and contains the Staff's Recommendation and the Planning Commission's Recommendation on the rezoning application scheduled for public hearing on January 23, 2014.

PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1232-13	**South Jeff Davis Drive & Callaway Road/ A-R to R-40/ To develop two single-family dwelling lots on 3.35 acres**	**APPROVE R-40 WITH THREE (3) RECOMMENDED CONDITIONS**	**APPROVE R-40 WITH THREE (3) RECOMMENDED CONDITIONS**

PETITION NO: 1232-13

REQUESTED ACTION: A-R to R-40

PROPOSED USE: Single Family Residential Subdivision

EXISTING USE: Single-Family Residential

LOCATION: South Jeff Davis Drive & Callaway Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 88

OWNER: Jerry M. Gable & Lowell T. Mullins

APPLICANT: Christine Flanigan

PLANNING COMMISSION PUBLIC HEARING: December 5, 2013

BOARD OF COMMISSIONERS PUBLIC HEARING: January 23, 2014

APPLICANT'S INTENT

Applicants propose to develop a Single Family Residential Subdivision consisting of two (2) lots on 3.35 acres.

STAFF RECOMMENDATION

APPROVAL WITH THREE (3) CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is a 3.35 tract fronting on South Jeff Davis Drive & Callaway Road in Land Lot(s) 88 of the 5th District. South Jeff Davis Drive is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan and Callaway Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family dwelling and two (2) accessory structures.

History: A Warranty Deed recorded on October 24, 2013 transferred the ownership of 1.41 acres from Jerry M. Gable to Lowell T. Mullins. This subdivision of the subject property created two (2) illegal lots. Prior to this illegal subdivision, the subject property was a nonconforming 3.35 acre lot.

B. SURROUNDING ZONING AND USES

The general situation is a 3.35 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R & R-45. 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	5	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 to 2 Areas)
South (across South Jeff Davis Drive)	1.04	R-45	Woodlands Subdivision Tennis Court	Low Density Residential (1 Unit/1 to 2 Areas)
	13	R-45	Single-Family Residential	Low Density Residential (1 Unit/1 to 2 Areas)
East (across Callaway Road)	3	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 to 2 Areas
West	5	A-R	Single-Family Residential	Low Density Residential (1 Unit/1 to 2 Areas

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicants seek to rezone A-R from to R-40 for the purpose of developing a Single Family Residential Subdivision.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-40	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

* 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.

Fayette County tax records indicate that the existing single-family dwelling is 945 square feet in size. The R-40 zoning district requires a floor area of 1,500 square feet. Floor Area is defined in the zoning ordinance as follows:

> *Floor Area, Principal Structure.* The area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Section 7-2 of the Zoning Ordinance states:

> A property that is improved with an existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.

Staff is recommending a condition that the existing single-family dwelling is brought into compliance with the R-40 zoning district prior to the submittal of the Minor Subdivision Plat. This can be achieved either by adding additional floor area to the existing single-family dwelling to meet the minimum required floor area or through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement. If the variance is denied, additional floor area shall be added to the existing single-family dwelling prior to the submission of the Minor Subdivision Plat.

In either case, if additional square footage is added to the existing single-family dwelling prior to the submission of the Minor Subdivision Plat a variance is required from the Subdivision Regulations, Sec. 8-503. (b) 11. Building Permit which states:

> No permit for the construction of any building on any lot of a proposed subdivision or phase thereof shall be issued unless the Final Plat or Minor Subdivision Plat of the proposed subdivision has been recorded in the office of the Clerk of Superior Court of Fayette County, Georgia, and unless the Minimum Site Improvements, as prescribed in this Ordinance, have been made and such improvements have been inspected and approved by the applicable departments. Upon recordation of the Final Plat or Minor Subdivision Plat, the required number of recorded copies, a recorded copy of a Warranty Deed for any right-of-way dedicated to the County, and the digital media copy of the approved Final Plat or Minor Subdivision Plat shall be submitted to the Planning and Zoning Department prior to the issuance of any building permits. Lots within a nonresidential subdivision shall also require an approved Site Plan, as applicable, for the issuance of a building permit.

Variances to the Subdivision Regulations are considered by the Planning Commission.

The applicant's Concept Plan and Survey indicate that the existing single-family dwelling is approximately 36 feet from the front property line and does not meet the 60 foot front yard setback for R-40 along South Jeff Davis Drive. Section 7-2 of the Zoning Ordinance states:

> A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein.

An additional ten feet of right-of-way will required along South Jeff Davis Drive placing the existing single-family dwelling 26 feet from the new right-of-way. However, this additional 10 foot encroachment into the front yard setback does not require a variance per Sec. 5-6. Reduction of Lot Area which states:

> No lot shall be reduced in size so that the lot size, width or depth, size of yard, lot area per family, or any other requirement of this ordinance is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.

Staff is recommending a condition that a variance for the existing single-family dwelling's encroachment into the front yard setback be authorized by the Zoning Board of Appeals prior to any improvements to the existing structure to meet the required minimum floor area. If the variance is denied, that portion of the existing single-family dwelling encroaching into the front yard setback must be removed prior to the submission of the Minor Subdivision Plat. The two (2) aforementioned variances could be heard by the Zoning Board of Appeals at the same time.

Right-of-Way Requirements

As per the Fayette County Subdivision Regulations, Section 8-505(g) Additional Right-of-Way and the Fayette County Development Regulations, Section 8-50.3. Right-of-Way Donation and Acquisition should a proposed subdivision or development of property that adjoins the 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 of the adjoining street. South Jeff Davis Road is a Minor Arterial and requires 100 feet of total right-of-way (50 feet from centerline) and Callaway Road is a Collector and requires 80 feet of total right-of-way (40 feet from centerline).

Access

The Concept Plan submitted indicates two (2) existing accesses from South Jeff Davis Road. A Driveway Easement Agreement for the subject property was recorded on October 24, 2013

E. DEPARTMENTAL COMMENTS

Water System

Lot 1 – City of Fayetteville Service area.

Lot 2- Currently served by Fayette County Water System.

Engineering/Public Works

- Callaway Road & S. Jeff Davis Drive – 80' ROW existing for both roads
- South Jeff Davis is Arterial. Applicant to provide quit claim deed for 50 feet as measured from centerline of South Jeff Davis Road.

- Callaway Road is Collector. Applicant to provide quit claim deed for 40 feet as measured from centerline of Callaway Road.

Environmental Management

Rezoning 1232-13 no issues, (I field checked for state waters – none were apparent.)

Environmental Health Department

No comment on subject applications.

Fire

The Bureau of Fire Prevention will neither approve nor deny requests that fall outside the scope of ISO requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-40 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 Low Density Residential (1 Unit/1 to 2 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 a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH THREE (3) CONDITIONS.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-40 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of South Jeff Davis Drive prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

2. That a variance for the existing single-family dwelling's encroachment into the front yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to any improvements to the existing structure to meet the required minimum floor area (see 3. (2) below). If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the owner/developer agrees to remove/demolish the existing single-family dwelling within 30 days from the date of the expiration. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

3. That the applicant brings the existing single-family dwelling into compliance with the R-40 zoning district. This can be achieved either through:

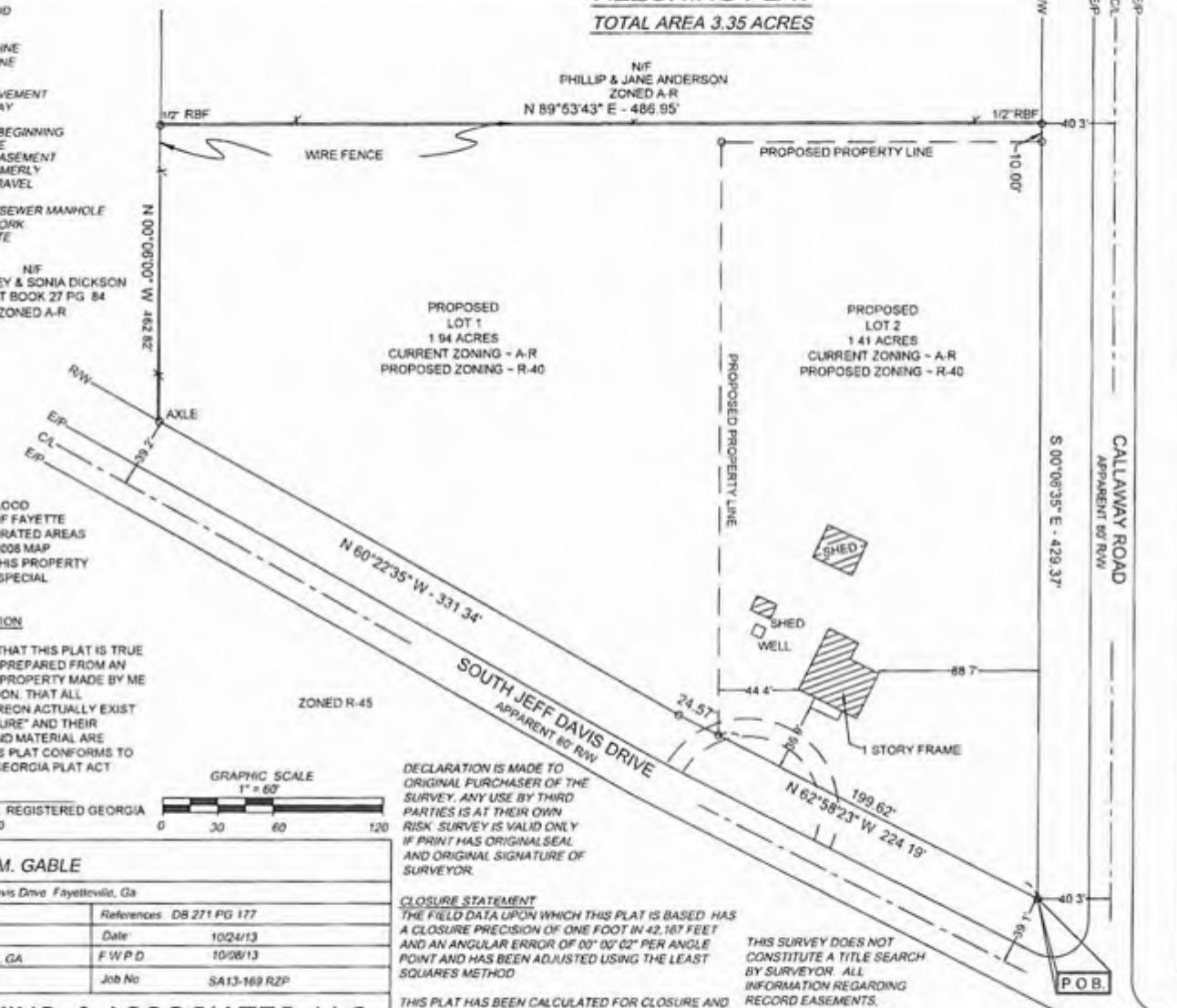
   (1) A variance, obtained from the Zoning Board of Appeals, to reduce the square footage requirement. If the owner/developer pursues a variance for the size of the existing single-family dwelling, said variance shall be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals; or

   (2) By adding square footage to the existing single-family dwelling to bring it into compliance. If the owner/developer chooses to add the required square footage to the existing single-family structure a variance from the Subdivision Regulations to issue a building permit prior to the approval of the of the Minor Subdivision Plat shall be obtained from the Planning Commission within 180 days from the effective date of this rezoning and coordinated with the aforementioned variance needed for the encroachment into the front yard setback. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.) (This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

REZONING PLAT

TOTAL AREA 3.35 ACRES

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
L L =LAND LOT
L L L =LAND LOT LINE
℄ =PROPERTY LINE
C/L =CENTERLINE
E/P= EDGE OF PAVEMENT
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
EOG=EDGE OF GRAVEL
C/L=CENTERLINE
SSMH=SANITARY SEWER MANHOLE
F W P D =FIELD WORK PERFORMED DATE



FLOOD STATEMENT
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCOPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0116E, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA

SURVEYOR'S CERTIFICATION

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION. THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF GEORGIA PLAT ACT

SWINSON A. GASKINS, SR. REGISTERED GEORGIA LAND SURVEYOR NO 1620

GRAPHIC SCALE
1" = 60'
0 30 60 120

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.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE LEAST SQUARES METHOD

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET

ANGULAR & LINEAR MEASURMENTS WERE OBTAINED USING A LIECA 403 TCR TOTAL STATION

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE

Prepared For	JERRY M. GABLE		
Address: 865 South Jeff Davis Drive Fayetteville, Ga			
District:	5TH	References:	DB 271 PG 177
Land Lot	88	Date:	10/24/13
County	FAYETTE, GA	F W P D	10/08/13
Scale:	1" = 60'	Job No	SA13-169 RZP

S.A. GASKINS & ASSOCIATES, LLC
surveyors ~ planners ~ development consultants
770-460-9342 24524 Hwy 85 Gay, Ga. 30218 JOHN 3:16

R-40 Single-Family Residential District

A. Description of Dstinct. This district is composed of certain lands and structures in the County, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

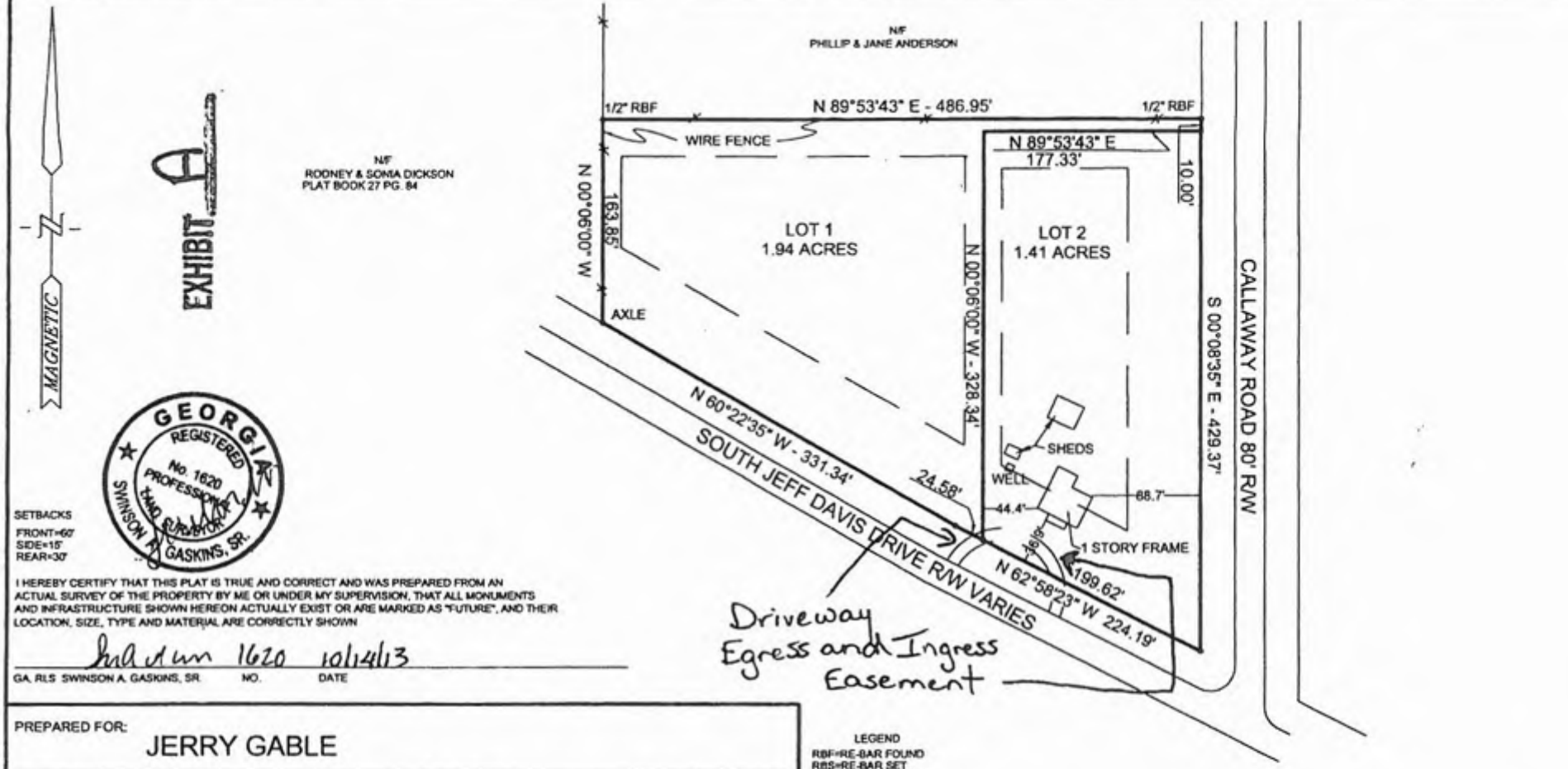
B. Permitted Uses. The following Permitted Uses shall be allowed in the R-40 Zoning District.
1. Single-family dwelling,
2. Accessory structures and uses (see Article V), and
3. Growing crops, gardens

C. Conditional Uses. The following Conditional Uses shall be allowed in the R-40 Zoning District provided that all conditions specified in Article VII ConditionalUses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met
1. Church and/or other Place of Worship,
2. Developed Residential Recreational/Amenity Areas
3. Home Occupation;
4. Horse Quarters,and
5. Private School, including, but not limited to classrooms, administration,playground, housing, athletic fields, gymnasium, and stadium

D. Dimensional Requirements. The minimum dimensional requirements within the R-40 Zoning District shall be as follows
1. Lot area per dwelling unit
a. Where central sanitary sewage or central water distributions ystems are provided: 43,560 square feet (one [1] acre)
b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (one and one-half [1 5] acres)
2. Lot Width
a. Major thoroughfare: i.Arterial 150 feet ii Collector 150 feet
b. Minor thoroughfare: 125 feet
3. Floor area: 1,500 square feet
4. Front yard setback
a. Major thoroughfare: i Arterial: 60 feet ii Collector: 60 feet
b. Minor thoroughfare: 40 feet
5. Rear yard setback: 30 feet
6. Side yard setback: 15 feet
7. Height limit: 35 feet

ZONED A-R

VICINITY MAP
NOT TO SCALE



SETBACKS
FRONT=60'
SIDE=15'
REAR=30'

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE", AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN

1620 10/14/13

GA. RLS SWINSON A. GASKINS, SR. NO. DATE

PREPARED FOR:
JERRY GABLE

		P.B. Pg.
	LAND LOT: 88	DATE: 10/10/2013
	DISTRICT: 5 TH	F.W.P.D. 10/08/2013
SCALE: 1" = 100'	COUNTY: FAYETTE, GA	JOB NO.: SA13-169

S.A. GASKINS & ASSOCIATES, LLC
SURVEYORS - PLANNERS - DEVELOPMENT CONSULTANTS SAGASKINS@BELLSOUTH.NET
24524 Highway 85 Gay, Ga. 30218 770-460-9342 678-618-5067

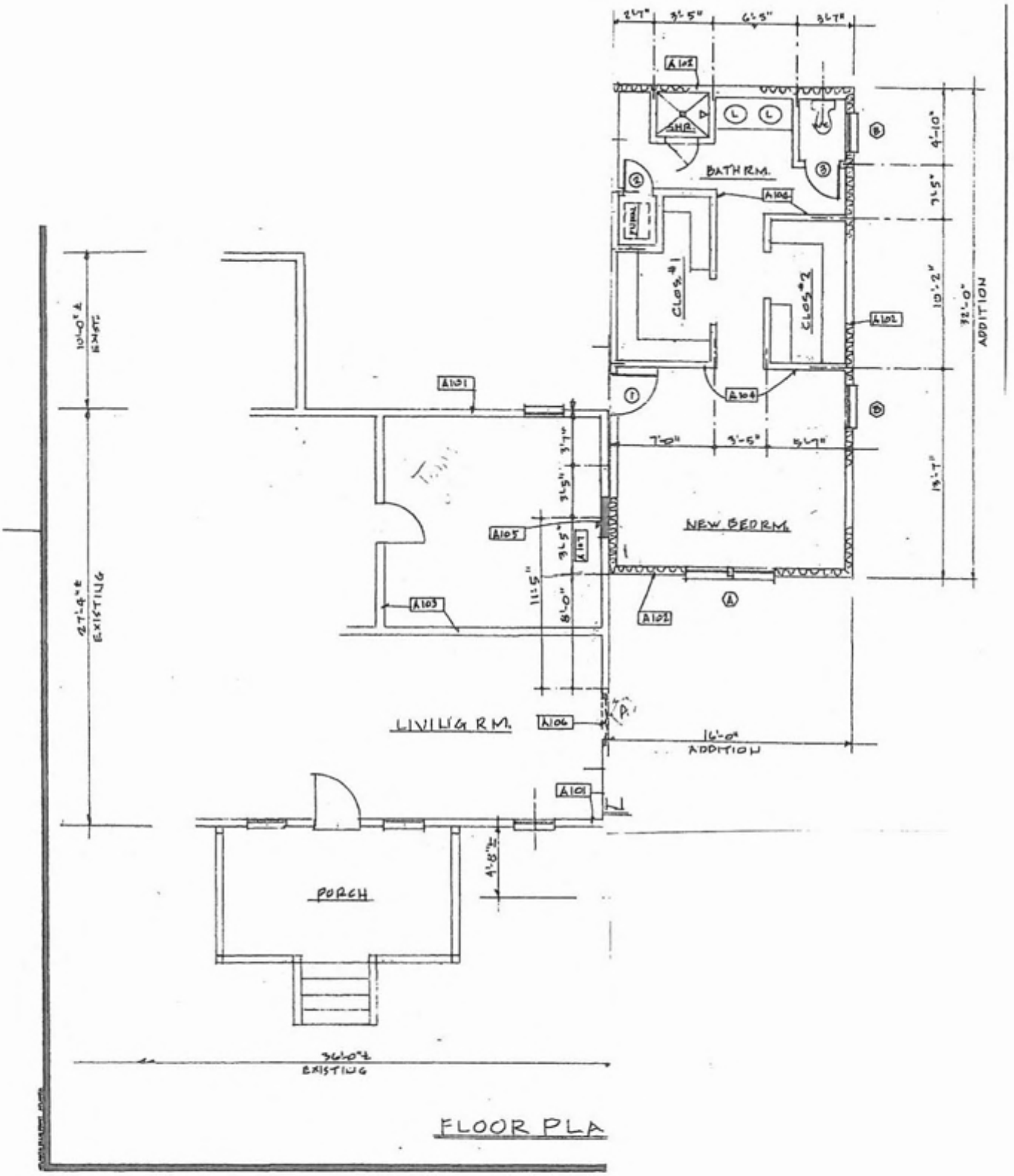
JOHN 3:16

LEGEND
RBF=RE-BAR FOUND
RBS=RE-BAR 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
C/L=CENTERLINE
P/P=POWER POLE
F.W.P.D.=FIELD WORK PERFORMED DATE

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.

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+

GRAPHIC SCALE
0 50 100 200

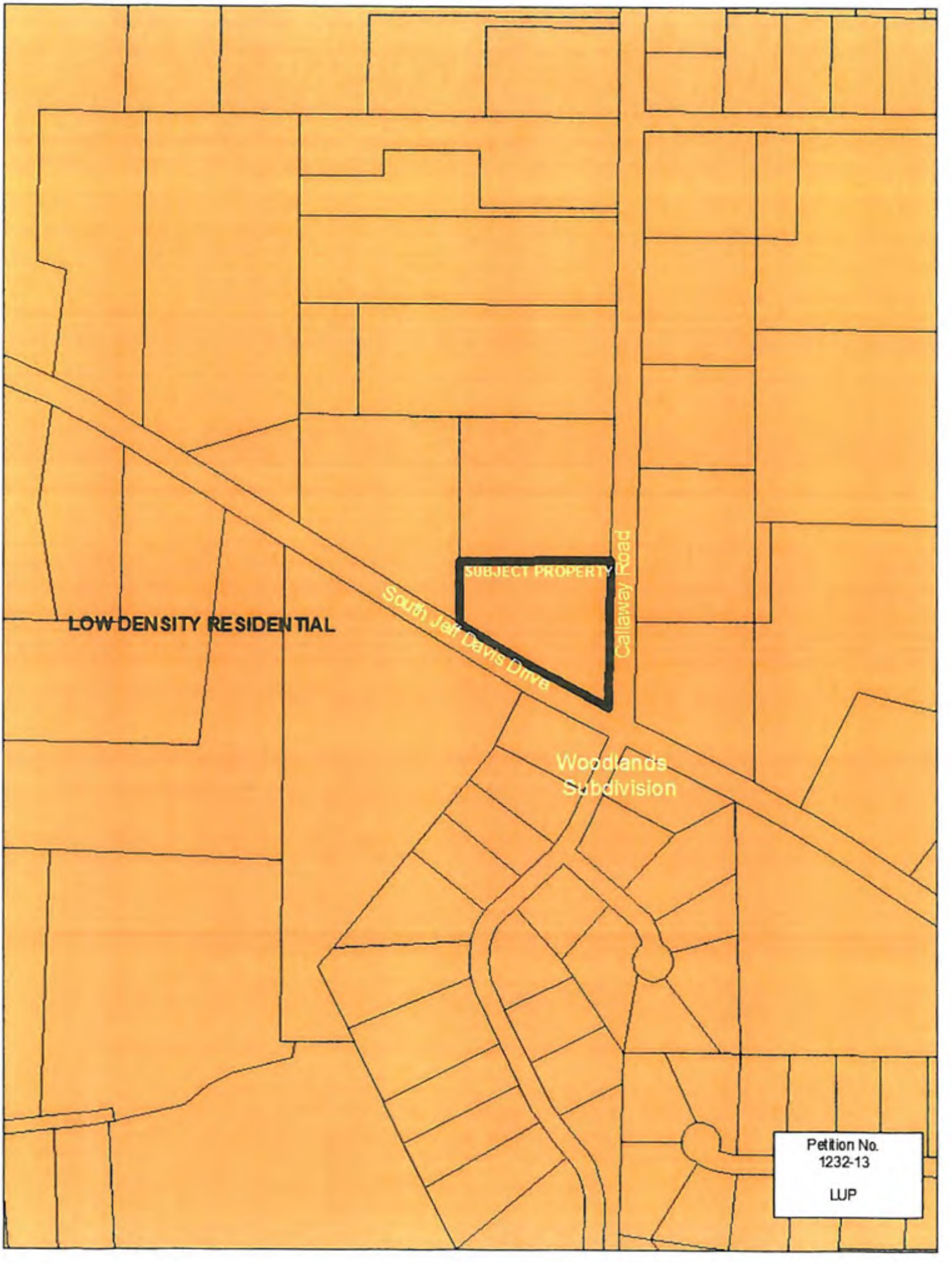

BATH RM.
SHR.
FURN.
CLOS. #1
CLOS. #2
NEW BEDRM.
LIVING RM.
PORCH
A101
A102
A103
A104
A105
A106
A107
ADDITION
EXISTING
16'-0" ADDITION
36'-0" EXISTING

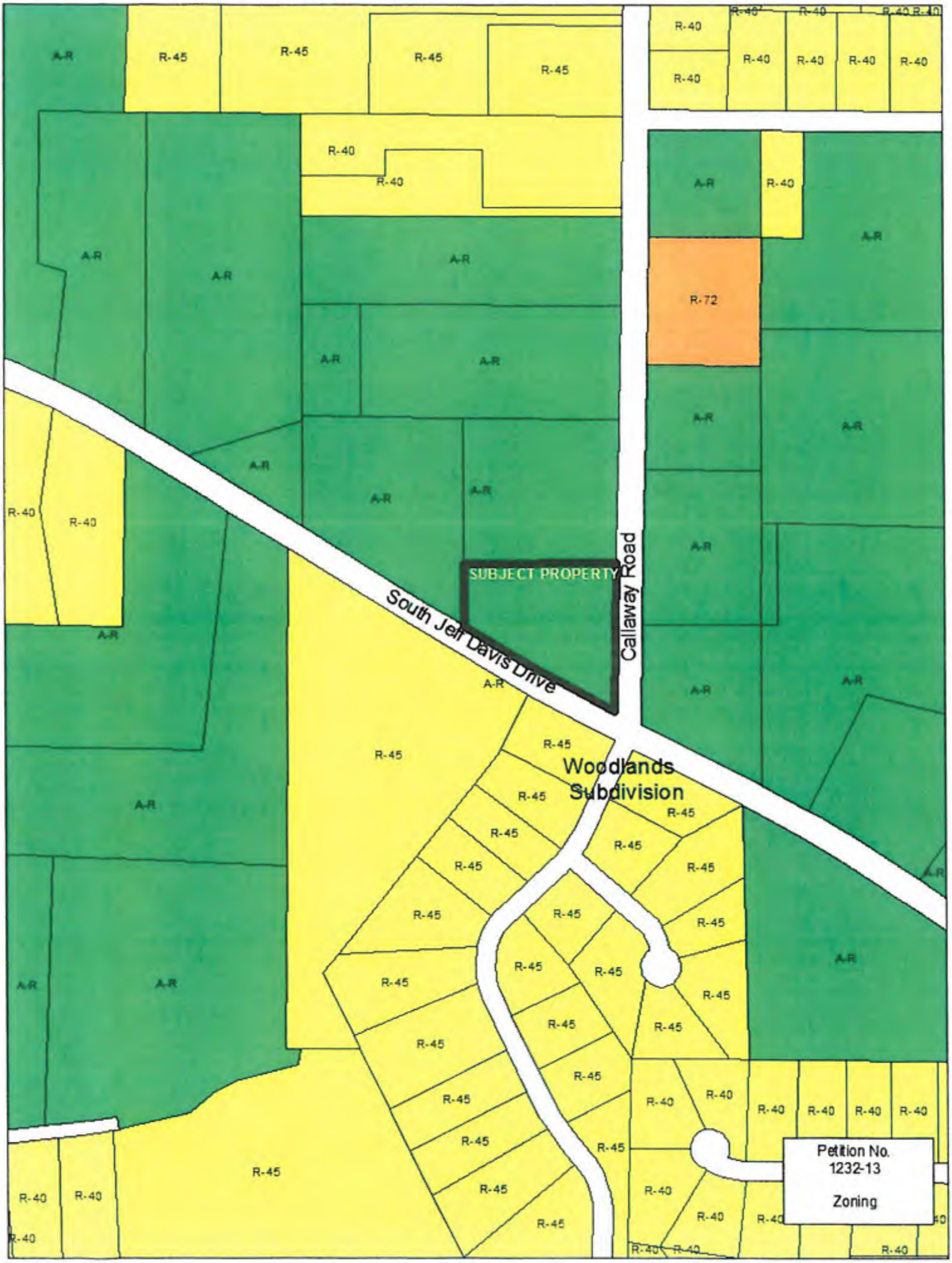
FLOOR PLA

1.41 ACRES
N 00°06'00" W - 328.94'
CALLAWAY ROAD 80' R/W
S 00°08'35" E - 429.37'
N 62°58'23" W 224.19'
199.62'
VARIES

Petition No.
1232-13

Aerials


SUBJECT PROPERTY
Callaway Road
South Jeff Davis Drive
LOW DENSITY RESIDENTIAL
Woodlands
Subdivision
Petition No.
1232-13
LUP


SUBJECT PROPERTY
South Jeff Davis Drive
Callaway Road
Woodlands Subdivision
A-R
R-45
R-40
R-72
Petition No. 1232-13
Zoning

THE FAYETTE COUNTY PLANNING COMMISSION met on December 5, 2013 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Bill Beckwith
Douglas Powell
Tim Thoms

MEMBERS ABSENT: Jim Graw, Vice-Chairman

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 November 7, 2013.

Tim Thoms made a motion to approve the minutes. Doug Powell seconded the motion. The motion passed 4-0. Jim Graw was absent.

PUBLIC HEARING

2. Consideration of Petition No. 1232-13, Jerry M. Gable and Lowell T. Mullins, Owners, and Christine Flanigan, Agent, request to rezone property from A-R Agriculture-Residential to R-40 Single-Family Residential to develop two (2) residential lots. This property consists of 3.35 acres located in Land Lot 88 of the 5th District and fronts on South Jeff Davis Drive and Callaway Road.

Chairman Gilbert advised the petitioners that there were only four Planning Commissioners present tonight and that they had the option to table to the next meeting.

Carol Mullins stated that they would go ahead with the petition. Mrs. Mullins said that she and her husband Tom have lived in the County for 17 years and they purchased this property to rehab and remodel the home so they could downsize from their present home. She added that they had no idea that any problems would result from purchasing this property as the lot is only 1.4 acres with a little house that they want to bring up to standards. She said that they have no intention of encroaching on anyone else's property or cause any problems.

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

Phillip Anderson asked if it is correct that this land has been divided and these folks have been allowed to purchase and close on the property that has not been rezoned and he is wondering what this is and can he ask the question.

Pete Frisina said the property was subdivided but not through the proper procedures and now to meet the procedures the property has to be rezoned to allow for a smaller than five (5) acre lot so the lots can be legally platted.

Phillip Anderson asked if they have been allowed to close on the 1.4 acre lot.

Pete Frisina said they have closed on the 1.4 acre lot.

Phillip Anderson said it makes no sense to him how you can buy something that is illegal.

Pete Frisina said there is no way to stop it.

Phillip Anderson said it seems like the cart is before the horse and why are we rezoning this to start with as you have a piece of property that kind of fits with the area with the exception of the Woodlands Subdivision across the street and it has a house on so why don't they just sell the property as is and why do we have to subdivide the property. He added that is kind of a dumb question because it comes down to money and two (2) pieces of property are make more money than one (1) piece of property and he would prefer that they just sell the house and the property without subdividing the property. He said he thinks everybody understanding that if you live in an area where the County is going to rezone for quarter acre with 1,200 square foot houses your property values are going to go down. He stated that his other concern is the rain water runoff that will run in a ditch toward his property to the north and development is going to make it worse. He said he questions the 10 foot strip of on Callaway road attached to Lot 1 and he was told it was for utilities but is it big enough to put a driveway on it and the driveway should be on South Jeff Davis Road and no Callaway Road. He stated that he would like to see the entire property sold to these folks and left as it is and they are doing a nice job of cleaning it up and that will add to the value of the neighborhood.

Charles Kilpatrick said he agrees with Mr. Anderson's points and he does see that this will benefit anyone but the seller of the property, the Mullins are doing a good job cleaning up the property and he doesn't know what R-40 means in terms of how many square feet is required for the house.

Doug Powell said 1,500 square feet is required for the house in R-40.

Mr. Kilpatrick said he has a problem with the lot being cut up so another house can be there and that will start lots being cut up with small house on them on South Jeff Davis Road and Callaway

Road and has no problem with these folks fixing up this house and keeping the property together.

Doug Powell said the property has been subdivided, but not legally. He said the County can't stop the sale of the property because that doesn't go through the County and the new owners find out it is illegal when they come to the County to get a building permit.

Mr. Kilpatrick asked if the property is legally or illegally subdivided, so let these people have the whole property and he would like it to be kept in one piece.

Jerry Dickson said he had a piece of property that is to the west and it was done somewhat like this property was done to get below the five (5) acre deal. The Gable's bought this property back in the 50's and it was a big farm and they sold off parts of it and this house was and the property was left over. He said his property was subdivided by the family and a house was left with one (1) acre and when he tried to build a sunroom on his house the County wouldn't issue the permit and they wanted a plat and the plat I had showed the different lots and the one (1) acre lot with the house. He said the lady at the permit office went through the roof and said he would never get a permit and to finally get the permit he had to write up the property deed to suit her and get it recorded.

David Dykes said he is the Secretary of the Woodlands Homeowner's Association we like what the folks are doing to the property but he wants to leave it as A-R and keep the property together.

Chairman Gilbert asked if there was anyone else to speak in opposition hearing none he asked if Mr. Mullins wanted to rebut.

Tom Mullins said he just wanted to buy the house and fix it up. He said there is an existing circular driveway on South Jeff Davis Road to serve both lots and he thought the strip in the back was to run County water down. He plans to add an addition to the house and bring it up to 1,500 square feet and up to code.

Chairman Gilbert asked Mr. Mullins if he agreed with the three (3) conditions.

Mrs. Mullins said they were in agreement with the three conditions (3).

Tim Thoms read the Recommended Conditions as follows:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of South Jeff Davis Drive prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

2. That a variance for the existing single-family dwelling's encroachment into the front yard setback be authorized by the Zoning Board of Appeals prior to any improvements to the existing structure to meet the required minimum floor area. If the variance is denied, that portion of the existing single-family dwelling encroaching into the front yard setback must be removed prior to the submission of the Minor Subdivision Plat. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

3. That the applicant brings the existing single-family dwelling into compliance with the R-40 zoning district prior to the submittal of the Minor Subdivision Plat. This can be achieved either by adding square footage to the existing single-family dwelling to bring it into compliance or through a variance, approved by the Zoning Board of Appeals, to reduce the square footage requirement. If the variance is denied, square footage shall be added to the residential structure prior to the submittal of the Minor Subdivision Plat which will require a variance from the Subdivision Regulations to issue a building permit prior to the approval of the of the Minor Subdivision Plat. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

Mrs. Mullins said Mr. Gable at first did not want to sell this property because this was his grandfather's home and he thought we were going to tear it down and build something else and he has a sentimental attachment to the is house so we assured him that we wouldn't tear it down and we were going to fix it up and live there and Mr. Gable owns the other portion of this land and he told the Mullins that if he ever sells the property he would give them the first right of refusal.

Chairman Gilbert said he would bring this back to the board for discussion.

Bill Beckwith said please understand that if the Zoning Board of Appeals does not approve the variance for the encroachment of the house, the house or the portion that encroaches will have to be removed.

Mr. Mullins said he didn't know how that would be possible because you would have to tear the house down.

Bill Beckwith said that is quite possible.

Mr. Mullins said how I can meet Condition #2 if I can't get a permit.

Pete Frisina said the last part of the Condition #3 is to come back to the Planning Commission for a variance to the Subdivision Regulations to get a building permit before the plat is approved.

Bill Beckwith said if this petition were to be approved what would the next step be.

Pete Frisina said go before the ZBA to get the variance to let the house remain in the setback.

Bill Beckwith as if that variance was not approved then what would happen.

Pete Frisina said the house would have to be removed from the setback.

Doug Powell said the zoning is changing the setback from an A-R setback to an R-40 setback and you had a Nonconforming lot that is less than the required five (5) acres and the property has been subdivided the lots are now illegal so now the house does not meet the R-40 setback.

Pete Frisina said the house does not presently meet the A-R setback either.

Tim Thoms said the house was probably built before zoning and setbacks, and is now nonconforming when the zoning was applied to the property but if you make changes to it you have to bring it up to the current standards.

Mrs. Mullins said her real estate agent went to the Zoning Department and was assured this was not going to be a problem.

Tim Thoms said we as the Planning Commission have been doing a lot of work on illegal lots lately and you are trying to bring the property into compliance which is good and you will have to apply for some variances as well but as Mr. Beckwith said there is no guarantee that you will get the variances.

Tim Thoms said we look at a rezoning request and how it complies with the Land Use Plan and how it affects traffic, schools, and surrounding property and in his mind this rezoning meets the criteria for rezoning as there are similar zonings in the immediate area.

Chairman Gilbert said if you want anything done to the house, it is limited what can be done under A-R as that is an illegal lot and most people that spoke tonight said they want the house brought up to standards. He added that there are similar zonings in the immediate area.

Doug Powell said even if the rezoning is approved there is no guarantee that the ZBA will approve the required variances.

Bill Beckwith said if we don't approve the rezoning then they can't do anything to the house.

Pete Frisina said this was a nonconforming lot and a nonconforming structure and it was the subdivision of the lot that created the problem and even to do something to the house as a

nonconforming structure would still require some variances but the situation has been made more difficult because the lot was illegally subdivided.

Doug Powell said if there were no home on the lot and you took the original A-R lot and subdivided it properly we wouldn't be having these problems and it is because where the house is located and if the lot was properly subdivided the resulting new homes would meet the setbacks.

Tim Thoms said he wanted to repeat that even if the rezoning is approved there is no guarantee the variances will be approved and he would make the motion to recommend approval of the rezoning petition with the three (3) recommended conditions as agreed to by the petitioner.

Bill Beckwith seconded the motion. The motion passed 3-1 with Doug Powell voting in opposition to the motion. Jim Graw was absent.
Chairman Gilbert said rezoning the property is the best avenue to improve the property and house as you are limited in what you can do with a nonconforming structure.

Mrs. Mullins said the house was in shambles until we started making improvements and she can't imagine not being able to improve the house.

3. Consideration of Petition No. 1233-13, Tony Harris, Owner, request to rezone property from A-R Agriculture-Residential to R-40 Single-Family Residential to develop two (2) residential lots. This property consists of 4.05 acres located in Land Lots 227 and 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road.

Tony Harris said he wants to rezone the property to build another house and he lives in the existing house and plans to add addition square footage by finishing the basement. He said he plans to live in the new house with his family and his mother-in-law will live in the existing house.

Chairman Gilbert asked if anyone else would like to speak in favor of the petition. Hearing none he asked if anyone would like to speak in opposition to the petition. Hearing none Chairman Gilbert said he is bringing it back to the board for discussion.

Tim Thoms said the recommended conditions are as follows:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of Kenwood Road and South Kite Lake Road prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

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

PROPERTY OWNERS: JERRY M. GABLE & ~~Thom~~ Lowell T. Mullins

MAILING ADDRESS: 663 Clear Creek Valley Dr. ELLIJAY, GA 30536

PHONE: [redacted] FAX:

AGENT FOR OWNERS: CHRISTINE FLANIGAN

MAILING ADDRESS: 120 Peachtree E. Shopping Ctr. Peachtree City GA 30269

PHONE: [redacted] FAX: [redacted]

E-MAIL: [redacted]

PROPERTY LOCATION: LAND LOT 88 LAND DISTRICT 5th PARCEL Lot 1
LAND LOT 88 LAND DISTRICT 5th PARCEL Lot 2

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 3.35

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: Residential

PRESENT USE OF SUBJECT PROPERTY: Vacant Land + Small Vacant House.

PROPOSED USE OF SUBJECT PROPERTY: Residential

LAND USE PLAN DESIGNATION: Low Density Residential

NAME AND TYPE OF ACCESS ROAD: Corner of S. Jeff Davis Rd + Calloway Rd.

LOCATION OF NEAREST WATER LINE: Calloway RD

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1232-13

[ ] Application Insufficient due to lack of:

by Staff: Date:

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

by Staff: Date: 10/15/2013

DATE OF PLANNING COMMISSION HEARING: December 5, 2013

DATE OF COUNTY COMMISSIONERS HEARING: January 23, 2013

Received from Jerry Gable & Lowell Mullins a check in the amount of $ 145+145=$290 for application filing fee, and $ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 10/15/2013 Receipt Number:

NAME: Jerry M. Gable PETITION NUMBER: _____

ADDRESS: 663 Clear Creek Valley Dr, Elijay GA 30536

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

Jerry M. Gable affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Agricultural 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 Residential.

This property includes: (check one of the following)

[✓] 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 _____ day of _____, 20_____ at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the _____ day of _____, 20_____ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20___,

_____ Lowell D Mullins

NOTARY PUBLIC APPLICANT'S SIGNATURE

Jerry M Gable

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:

Jerry M. Gable - Lowell T. Mullins

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0519 002 (Partial - North of S. Jeff Davis)

(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) 88 **of the** 5th **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 CHRISTINE FLANIGAN **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.

Jerry M Gable **Signature of Property Owner 1**	Christine J Flanigan **Signature of Notary Public**
Elijay, GA **Address**	10-15-13 **Date**
Lowell T Mullins **Signature of Property Owner 2**	Christine J Flanigan **Signature of Notary Public**
150 Eagles ~~Lance~~ One, Jonesboro GA 30236 **Address**	10-15-13 **Date**
Signature of Property Owner 3	**Signature of Notary Public**
Address	**Date**
Signature of Authorized Agent	**Signature of Notary Public**
Address	**Date**

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Jerry M. Gable + Lowell T. Mullins, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along _____ 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 15th day of October, 2013.

Jerry M Gable
SIGNATURE OF PROPERTY OWNER

Lowell T Mullins
SIGNATURE OF PROPERTY OWNER

Christine J Hanigan
NOTARY PUBLIC

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia 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 Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.

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

[✓] 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 DRI Request for Review Form is attached.

Signed this 15th day of October, 2013.

Lowell D Mullins Jerry M Gable

APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

Please check one:
Campaign contributions - ✓ **No** ____ **Yes (see attached disclosure report)**

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating $250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

_____ 1. Application form and all required attachments completed, signed, and notarized, as applicable.

_____ 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.

_____ 3. Boundary Survey (1 copy if separate from Conceptual Plan), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor. The Boundary Survey and Concept Plan may be combined.

_____ 4. Conceptual Plan (20 copies). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey, however it is required to be drawn to scale, and include all applicable items below: As required

_____ a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.

NA b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.

_____ c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.

_____ d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.

_____ e. Minimum zoning setbacks ~~and buffers~~, as applicable.

_____ f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.

NA g. Location and dimensions of exits/entrances to the subject property.

_____ h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.

NA i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.

NA 5. A letter of intent for a non-residential rezoning request, including the proposed use(s).