COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Director Pete Frisina
Meeting Date:	Thursday, January 22, 2015	Type of Request:	Public Hearing

Wording for the Agenda:

Public Hearing of Petition No. 1242-14, Earl W. Johnson, Owner, Rick Sewell, Agent, request to rezone 8.18 acres from A-R to R-70 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 254 of the 5th District and fronting on South Kite Lake Road, with one (1) condition.

Background/History/Details:

Applicant proposes to develop a Single-Family Residential Subdivision consisting of two (2) lots on 8.18 acres.

Staff recommends approval of rezoning Petition 1242-14 with one (1) Condition.

The Planning Commission recommends approval of rezoning Petition 1242-14 with one (1) Condition.

The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of S. Kite Lake Road prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat.

Chairman Gilbert made a motion to approve the petition with one (1) condition. Jim Graw seconded the motion. The motion passed 3-0. Brian Haren was absent. (It is noted that there are currently only four members seated on the Planning Commission.)

What action are you seeking from the Board of Commissioners?

Public Hearing of Petition No. 1242-14, Earl W. Johnson, Owner, Rick Sewell, Agent, request to rezone 8.18 acres from A-R to R-70 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 254 of the 5th District and fronting on South Kite Lake Road, with one (1) condition, with one (1) condition.

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:

STAFF AND THE PLANNING COMMISSION RECOMMEND APPROVAL OF THIS REQUEST WITH ONE (1) CONDITION:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the center of 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.)*

To: Fayette County Board of Commissioners

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

Date: January 8, 2015

Subject: Board of Commissioners Public Hearing, January 22, 2015

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 22, 2015.

PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1242-14	**S. Kite Lake Road/ A-R to R-70**	**APPROVE R-70 WITH ONE (1) RECOMMENDED CONDITION**	**APPROVE R-70 WITH ONE (1) RECOMMENDED CONDITION**

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1242-15

APPLICANT: Earl & Toni Johnson
150 S. Kite Lake Road
Fayetteville, GA
30214

STAFF RECOMMENDATION: APPROVAL WITH ONE (1) CONDITION

PLANNING COMMISSION HEARING: January 5, 2015

PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH ONE (1) CONDITION

BOARD OF COMMISSIONERS HEARING: January 22, 2015

COMMISSION DECISION: _____

REQUEST: Request to rezone 8.18 acres from A-R to R-70 to develop a Single-Family Residential.

PARCEL SIZE: 8.18 acres

EXISTING USE: Single-Family Residential

PROPOSED USE: Single-Family Residential

LOCATION: Land Lot 254 of the 5th District and fronts on S. Kite Lake Road

ZONING OF SURROUNDING PROPERTY: A-R & R-40

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

REASON(S) FOR RECOMMENDATION:

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

PLANNING COMMISSION RECOMMENDATION

DATE: January 5, 2015

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1242-15, the application of Earl & Toni Johnson to rezone 8.18 acres from A-R to R-70, be:

3-0

__✓__ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

_____
AL GILBERT

_____
JIM GRAW

_____ Absent
BRIAN HAREN

_____
BOB SIMMONS

Remarks:

_____

_____

_____

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. 1242-15

WHEREAS, Earl & Toni Johnson, Owner, and Rick Sewell, Agent, having come before the Fayette County Planning Commission on January 5, 2015, 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 8.18 acres from A-R to R-70, in the area of S. Kite Lake Road, Land Lot 254 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 **APPROVED**.

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:

CHAIRMAN

PC SECRETARY

(NOTE: The recording device did not record any of the dialogue of the meeting. Therefore, only a brief summary of the discussion and actions will be included.)

7. **Consideration of Petition No. 1242-15, Earl W. Johnson, Owner, Rick Sewell, Agent, request to rezone 8.18 acres from A-R to R-70 to develop a Single-Family Residential Subdivision. This property is located in Land Lot 254 of the 5th District and fronts on S. Kite Lake Road.**

Rick Sewell said the purpose of the rezoning was to subdivide the 8.18 acre subject property into two (2) lots each with four (4) plus acres. The applicant agreed to the condition.

No one from the public spoke in favor or opposition to the rezoning petition.

Al Gilbert made a motion to approve Petition 1242-15 with one condition. Jim Graw seconded the motion. The motion passed 3-0. Brian Haren was absent.

****

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

Bob Simmons said so moved.

Chairman Gilbert said the meeting was adjourned at 8:05 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

_____
JIM GRAW, CHAIRMAN

ATTEST:

_____

PETITION NO: 1242-15

REQUESTED ACTION: A-R to R-70

PROPOSED USE: Single-Family Residential Subdivision

EXISTING USE: Single-Family Residential

LOCATION: S. Kite Lake Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 254

OWNER: Earl W. Johnson

AGENT: Rick Sewell

PLANNING COMMISSION PUBLIC HEARING: January 5, 2015

BOARD OF COMMISSIONERS PUBLIC HEARING: January 22, 2015

APPLICANT'S INTENT

Applicant proposes to develop a Single-Family Residential Subdivision consisting of 2 lots on 8.18 acres.

STAFF RECOMMENDATION

APPROVAL WITH ONE (1) CONDITION

1.

INVESTIGATION

A. PROPERTY SITE

The subject property is an 8.18 acres tract fronting on S. Kite Lake Road in Land Lot 254 of the 5th District. South Kite Lake Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned A-R.

B. SURROUNDING ZONING AND USES

The general situation is an 8.18 acres tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R, R-40 and R-50. 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	7.71	A-R	Single-Family Residential	Low Density Residential (1Unit/1 to 2 Acres)
South	4.40	R-40	Single-Family Residential	Low Density Residential (1Unit/1 to 2 Acres)
	1.79	A-R	Single-Family Residential	Low Density Residential (1Unit/1 to 2 Acres)
East (across S. Kite Lake Road)	1.79	R-50	Single-Family Residential	Low Density Residential (1Unit/1 to 2 Acres)
	9.65	A-R	Single-Family Residential	Low Density Residential (1Unit/1 to 2 Acres)
West	40.90	A-R	Vacant	Low Density Residential (1Unit/1 to 2 Acres)

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-70 for the purpose of developing Single-Family Residential Subdivision.

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 subdivided by a Minor Subdivision Plat per the Fayette County Subdivision Regulations, as applicable.

Right-of-Way Requirements

Per Section 104.52 of the Fayette County Development Regulations, should a proposed development 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 of the adjoining street. South Kite Lake Road is classified as a Collector road on the Fayette County Thoroughfare Plan.

E. DEPARTMENTAL COMMENTS

Water System

Water available to these parcels

Public Works/Engineering

South Kite Lake road is a collector. Applicant shall provide a right-of-way width of 40 feet (as measured from road centerline) to Fayette County.

Environmental Management

EMD has reviewed this rezoning and has no comment.

Environmental Health Department

No objections

Fire

The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

Sheriff's Office

No issues.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-70 for the purpose of developing Single-Family Residential. 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.

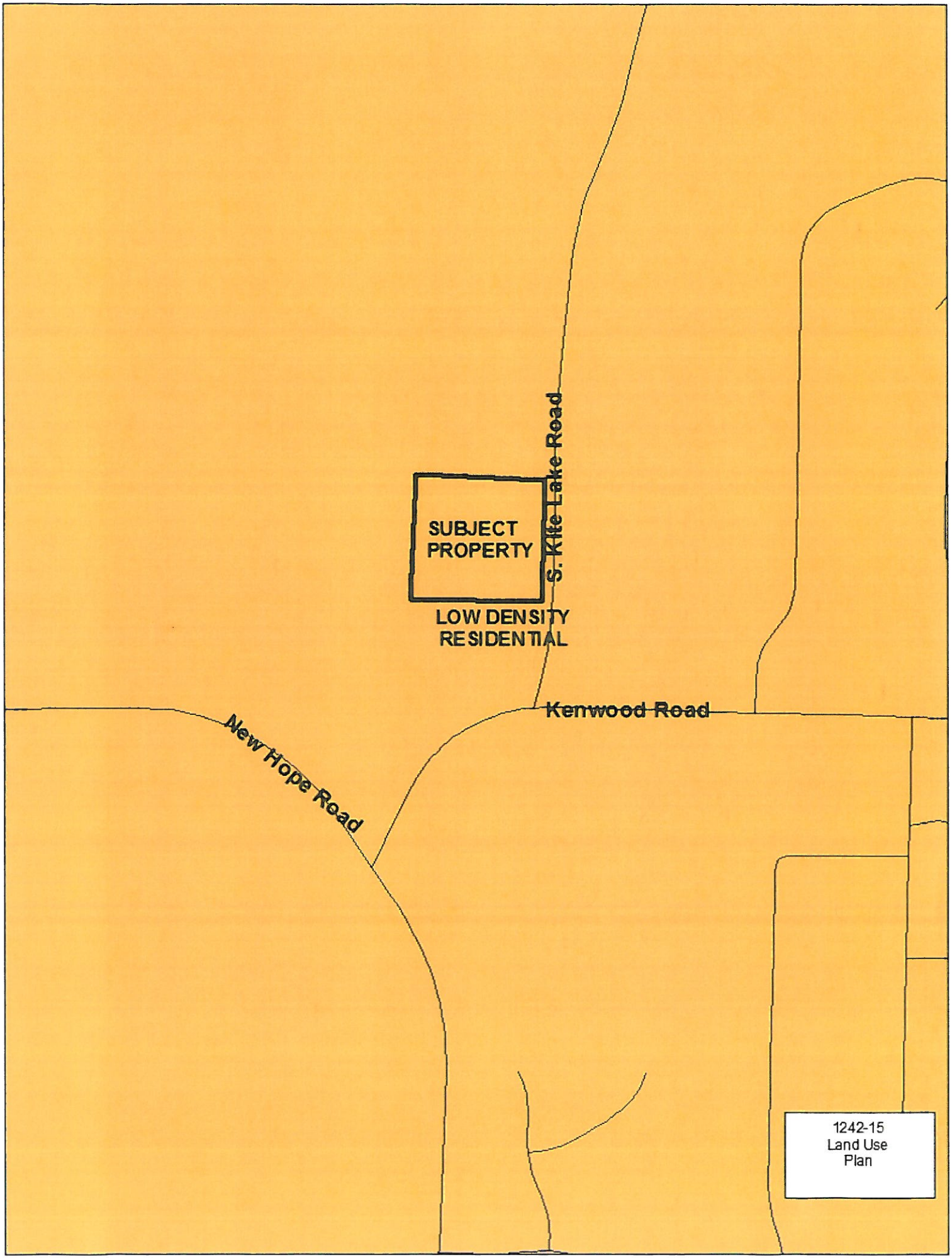
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH ONE (1) CONDITION.**

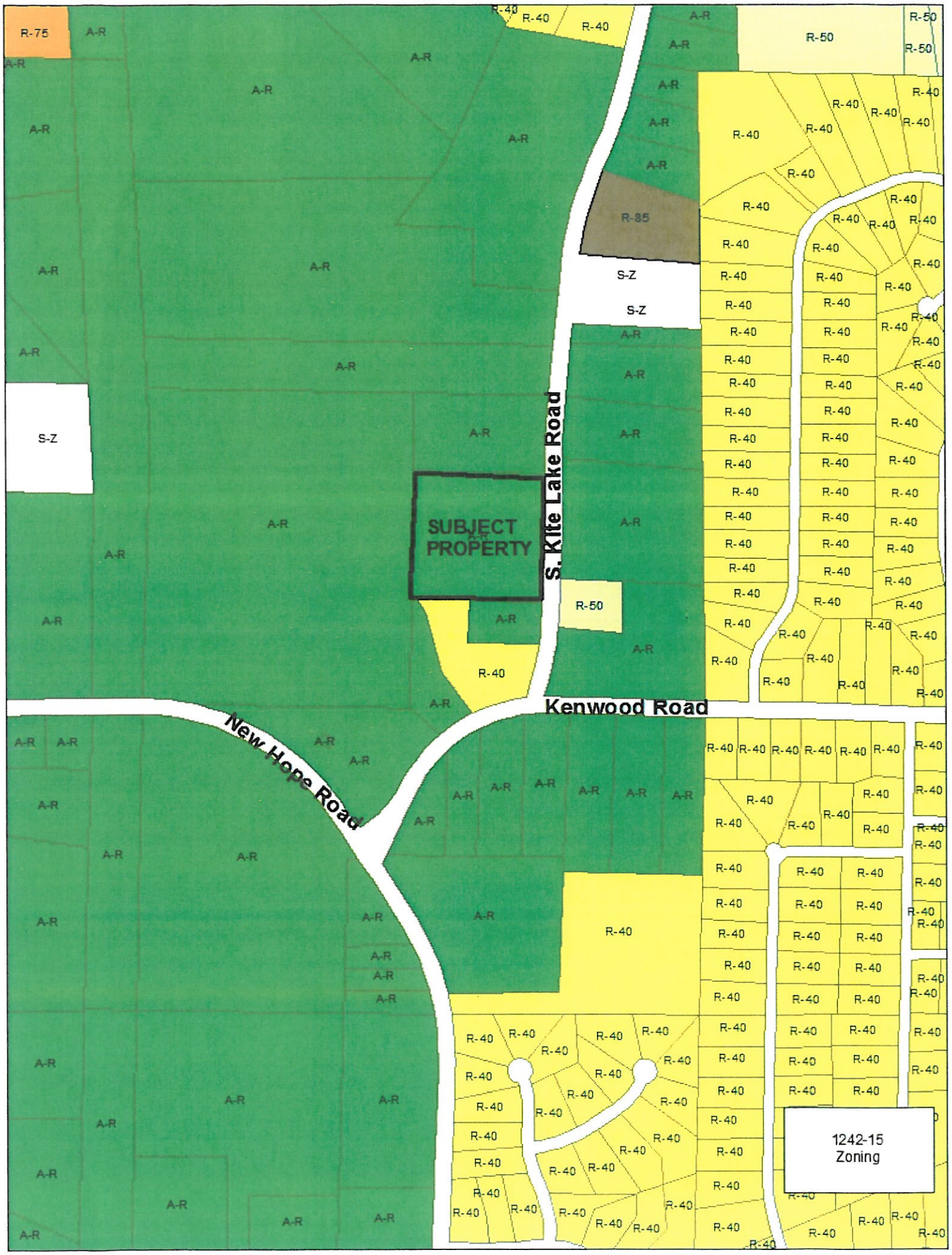
RECOMMENDED CONDITIONS

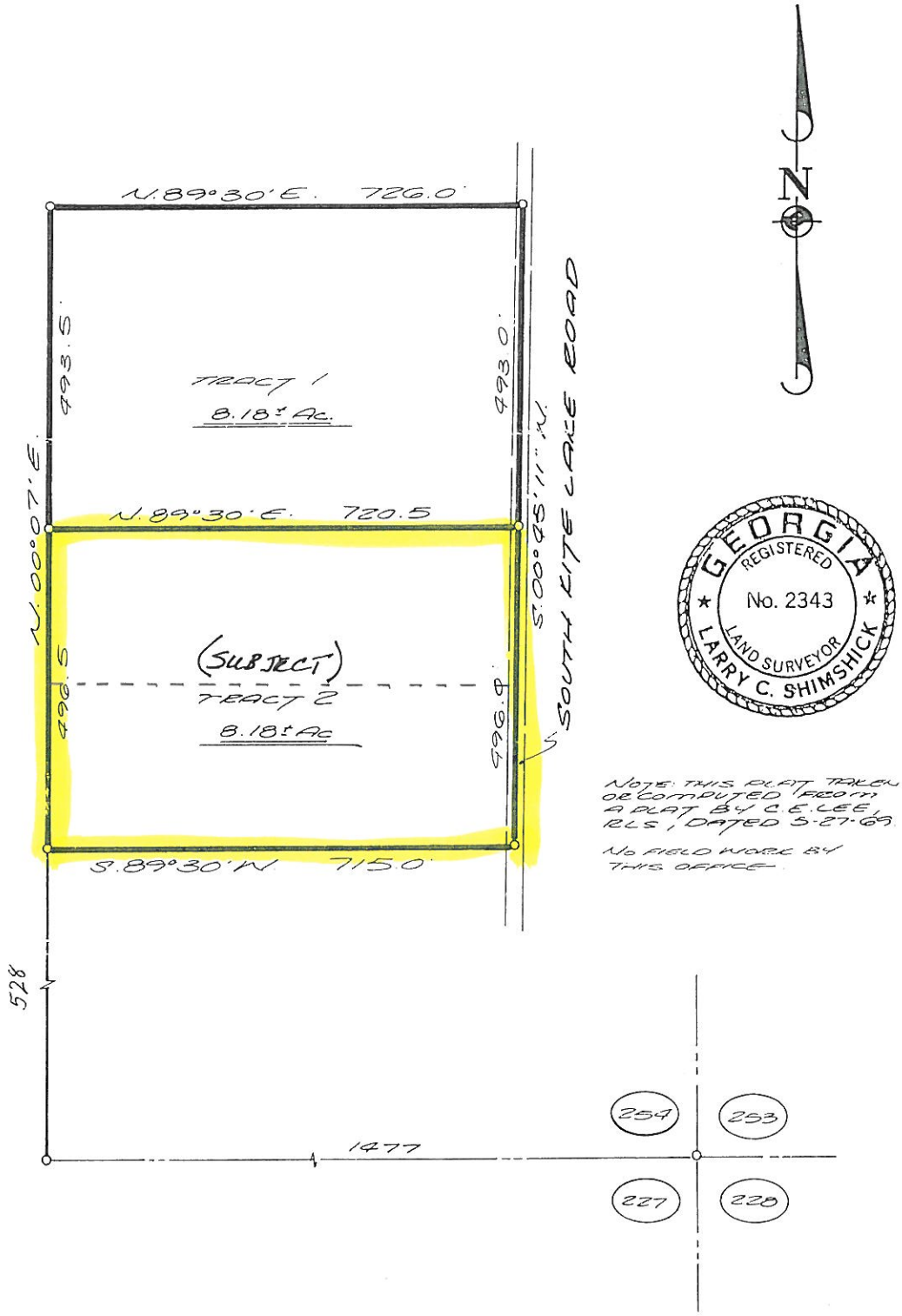
If this petition is approved by the Board of Commissioners, it should be approved R-70 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of S. 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.)*

1242-15
Aerials


S. Kite Lake Road
SUBJECT PROPERTY
LOW DENSITY RESIDENTIAL
Kenwood Road
New Hope Road
1242-15
Land Use
Plan


SUBJECT PROPERTY
S. Kite Lake Road
Kenwood Road
New Hope Road
1242-15
Zoning



NOTE: THIS PLAT TAKEN OR COMPUTED FROM A PLAT BY C.E. LEE, RLS, DATED 5-27-69.

NO FIELD WORK BY THIS OFFICE.

PREPARED FOR:

JEAN W. JOHNSON

SUBDIVISION:		
LOT:	LAND LOT: 254	DATE: 7-15-91
BLOCK:	DISTRICT: 5TH	REV:
SCALE: 1" = 200'	COUNTY: FAYETTE GA.	JOB NO: 910742

jefferson consultants, inc.

consulting engineers • surveyors • planners

P.O. BOX 2627 PEACHTREE CITY

487-9805 GEORGIA 30269 487-9220

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

PROPERTY OWNERS: EARL W. JOHNSON

MAILING ADDRESS: 150 S. KITE LAKE Rd., FAYETTEVILLE, GA 30214

PHONE: 678) 462-3618 **FAX:**

AGENT FOR OWNERS: RICK SEWELL

MAILING ADDRESS: 140 STONE WAY, SHARPSBURG, GA 30277

PHONE: 404) 583-2436 **FAX:**

E-MAIL: RSEWELL@CREELPROPERTIES.COM

PROPERTY LOCATION: **LAND LOT** 254 **LAND DISTRICT** 5 **PARCEL**
LAND LOT **LAND DISTRICT** **PARCEL**

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 8.18

EXISTING ZONING DISTRICT: A-R **PROPOSED ZONING DISTRICT:** R-70

ZONING OF SURROUNDING PROPERTIES: A-R + R-40

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY DETACHED RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY DETACHED RESIDENTIAL

LAND USE PLAN DESIGNATION: Low Density Residential (1 unit / 1 to 2 Acres)

NAME AND TYPE OF ACCESS ROAD: S Kite Lake Road - Collector

LOCATION OF NEAREST WATER LINE: SOUTH KITE LAKE Rd.

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** 1242-15

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

by Staff: **Date:**

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

by Staff: Pete Frisina **Date:** 11/26/14

DATE OF PLANNING COMMISSION HEARING: January 5 2015

DATE OF COUNTY COMMISSIONERS HEARING: January 22 2015

Received from Earl + Toni Johnson **a check in the amount of $** 350.00 **for application filing fee, and $** 20.00/00 **for deposit on frame for public hearing sign(s).**

Date Paid: 11/26/14 **Receipt Number:**

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 deed for the subject property:

EARL W. JOHNSON

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0549 020

(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) 254 **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** 8.16 **acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).**

(I) (We) hereby delegate authority to RICK SEWELL **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.

Earl W. Johnson **Signature of Property Owner 1**	Latrice Lee **Signature of Notary Public**
150 S. Kite Lake Rd. **Address** Fayetteville, GA 30214	11/26/14 **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	Dianne B. Crowsover **Signature of Notary Public**
140 Stowe Way **Address** Sharpsburg GA 30277	11-26-14 **Date**

LATRICE LEE
MY COMMISSION EXPIRES
NOTARY PUBLIC
NOVEMBER 19, 2016
FULTON COUNTY, GEORGIA

DIANNE B CROWSOVER
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
MY COMMISSION EXPIRES MARCH 11, 2016

NAME: EARL W. JOHNSON PETITION NUMBER: _____

ADDRESS: 150 S. KITE LAKE Rd., FAYETTEVILLE, GA 30214

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

EARL W. JOHNSON **affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n)** AR **Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $** 370.00 **to cover all expenses of public hearing. He/She petitions the above named to change its classification to** R-70**.**

This property includes: (check one of the following)

[✓] **See attached legal description on recorded 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 5th **day of** January**, 20**15 **at 7:00 P.M.**

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd **day of** January**, 20**15 **at 7:00 P.M.**

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26 **DAY OF** November**, 20**___**,**

LATONYA LEE NOTARY PUBLIC MY COMMISSION EXPIRES NOVEMBER 19, 2016 FULTON COUNTY, GEORGIA

Latonya Lee

NOTARY PUBLIC

Earl W. Johnson

APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, EARL W. JOHNSON **, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County,** 40 **feet of right-of-way along** SOUTH KITE LAKE Rd. **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 26 **day of** November**, 20**14**.**

Earl W. Johnson
SIGNATURE OF PROPERTY OWNER

N/A
SIGNATURE OF PROPERTY OWNER

Latrice Lee
NOTARY PUBLIC

LATRICE LEE
MY COMMISSION EXPIRES
NOTARY
PUBLIC
NOVEMBER 19, 2016
FULTON COUNTY, GEORGIA