AGENDA

FAYETTE COUNTY PLANNING COMMISSION MEETING

140 STONEWALL AVENUE WEST

January 18, 2018
7:00 pm

*Please turn off or turn to mute all electronic devices during the Planning Commission Meetings

1. Consideration of the Minutes of the meeting held on January 4, 2018.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of Carson Road Estates. The property will consist of four residential lots zoned A-R, is located in Land Lot 26 of the 4th District and fronts on Carson Road.

3. Consideration of WPV/A-001-18, Ben Loggins, Owner and Rick Lindsey, Agent, request an appeal of the decision of the Stormwater Department’s denial of a variance to the Watershed Protection Ordinance.

PUBLIC HEARING

4. Consideration of Petition No. RDP-014-17, Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout. This property is located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North.

OLD BUSINESS

5. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.
To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: December 12, 2017
Subject: Minor Subdivision Plat to be considered on January 18, 2018

MINOR SUBDIVISION PLAT

Minor Subdivision Plat of Carson Road Estates

OWNER/APPLICANT
Allen David Cook Estate

Recommend APPROVAL for the Minor Subdivision Plat.
December 21, 2017

Via: Email and Regular Mail
Pete Frisina, Director
Planning and Zoning
140 Stonewall Ave. W, Ste. 202
Fayetteville GA 30214

Re: Ben Loggins, 122 Reflections Point, Fayetteville, GA 30215

Dear Pete:

Pursuant to our telephone conversation a couple of weeks ago, I am sending this letter to you requesting an appeal from the decision of the Director of Environmental Management denying Mr. Loggins’ request for a buffer variance. Last week when I spoke with Ms. Birrell, she informed me that there is no appeal process. Following our conversation, I re-read Section 104-185 of the Land Development and Land Use Ordinances. According to sub-section (a)(2)(b)(2) “any person adversely affected by any decision of the County Storm Water Management Department shall have the right to appeal such decision to the County Planning Commission…” Please accept this letter as the appeal from the denial of the requested variance.

As you and I discussed on the phone and as I discussed with Dennis Davenport, I do not believe there are any procedures established by the Planning Commission on how this appeal is to proceed. Thus, I do not know if a fee is required or what information is needed by the Planning Commission to proceed with this appeal. I have included with this letter a copy of Ms. Birrell’s letter denying the requested buffer variance and a copy of the survey. If you require additional documents or additional information, please let me know and I will be happy to provide that.

Finally, we request that this appeal be heard by the Planning Commission at its January 18th meeting. If that is not possible, please let me know.

Best regards.

Sincerely,
LINDSEY & LACY, PC

Richard P. Lindsey

cc: Ben Loggins
November 29, 2017

Mr. Ben Loggins
122 Reflections Point
Fayetteville, GA 30215

SUBJECT: BUFFER VARIANCE

Dear Mr. Loggins,

Thank you for the prompt removal of stones along your pathway and the landing area adjacent to the lake. I have received your request for a variance from the Watershed Protection Ordinance, Article VII. Fayette County Development Regulations. I appreciate your concern and have reviewed your application.

I am writing to inform you that your variance application has been denied for the following reasons:

- The stone steps located inside the 150 foot watershed setback area are impervious.
- There are options for pervious hiking trails that will allow access to the lake as shown in Georgia Stormwater Management Manual, Volume 2, 4.15 Permeable Paver Systems. (Copy attached.)

You have the right to appeal this decision to the county planning commission, as stated in Article VII. Sec. 104-185.a.2.b.2. (Copy attached.)

A Watershed Buffer Replacement Plan is still required showing locations of one (1) canopy tree and two (2) understory trees with timeline and buffer access method description.

Sincerely,

Vanessa Tigert Birrell, P.G., CFM
Director of Environmental Management, Fayette County

Enclosure (2)
The path and stones have been removed.

Variance request was to keep stone stairs.
The following factors will be considered in determining whether to issue a variance:

(i) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

(ii) The locations of all streams on the property, including along property boundaries;

(iii) The location and extent of the proposed buffer or setback intrusion;

(iv) Whether alternative designs are possible which require less intrusion or no intrusion;

(v) The long-term and construction water quality impacts of the proposed variance; and

(vi) Whether issuance of the variance is at least as protective of natural resources and the environment.
The applicant is requesting a revision to the Development Plan for Rezoning (1160-05) to reconfigure the street layout. The subject property consists of approximately 116 acres and fronts on SR 92 North.

Sec. 110-149. – Planned unit development (c) (1) states the following:

j. Revision of development plan. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, 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 zoning administrator and 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 or desirable.

History: Petition 1160-05 (R-70 to C-S – Conservation Subdivision) was approved by the Board of Commissioners on January 12, 2005. In 2011, the County acquired approximately 1.58 acres in the northwest corner of the subject property for Veteran’s Parkway.

DEPARTMENTAL COMMENTS

WATER SYSTEM: Need separate utility plan. Submit to FCWS.

FIRE MARSHAL: Must show fire hydrants on preliminary and final plats.

ENVIRONMENTAL MANAGEMENT:

Floodplain The property contains Zone A floodplain per FEMA FIRM panel 13113C0019E. Elevations were determined in Fayette County’s Limited Detail Study. The elevation of the lowest floor, including the basement and building access of any development shall be a least 3 feet above the base flood elevation or one foot above the future conditions flood elevation, whichever is higher. A Floodplain Management Plan is required if any development activities are totally or partially within an Area of Special Flood Hazard.

Wetlands Wetlands are not called out on the concept plan. The applicant must call out all wetlands on the preliminary plat and obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

Watershed This property is subject to Fayette County’s Watershed Protection Ordinance. The Watershed Protection buffer is either 100 feet from wrested vegetation or 50 feet from the 100-year floodplain elevation, whichever is greater. The watershed setback is an additional 50 feet.
from the Watershed buffer. The 100-foot base flood elevation identified in the FC 2013 Future Conditions Flood Study shall be used to identify 100-ft Base Flood Elevation. Not approving or denying, but the buffers appear correct but on the preliminary plat, construction drawings and final plat the buffers will need to be shown on the state waters requiring a buffer located within the conservation area.

**Groundwater** Portions of the property are 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). The minimum lot size and width requirements of the Groundwater Recharge Area Protection Ordinance for lots with public water supply systems are satisfied by the C-S zoning requirements.

**Stormwater** The project is subject to Fayette County’s Stormwater Management regulations. Stormwater controls shall be exclusive of the conservation areas. Allow for flexibility along the southern property line of the subdivision (especially near lots 10, 11, and 12). Concentrated flows onto adjacent properties will be prohibited.

**ENVIRONMENTAL HEALTH:** No objections.

**PUBLIC WORKS/ENGINEERING DEPARTMENT:** Engineering has reviewed the development plan for the C-S subdivision. The road layout appears to meet County requirements. No comments.

**Recommendation:** Staff recommends approval of the revised Development Plan. The revised Development Plan complies with the C-S zoning district.
Points from last meeting:

- make a distinction between a primary and secondary front yard
- consider greater front yard setbacks for accessory structures
- consider the classification of the roads giving preference to higher classification of roads for the placement of an accessory structure
- consider different zoning/lots sizes
- reservation with placing an accessory structure between the street and the front orientation of the house

Sec. 110-3. Definitions

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Lot, corner, means a lot located at the intersection of two streets.

Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between a property line adjacent to a thoroughfare street and the front building line, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear building setback line, extending the full width of the lot.

Yard, side, means the area between the side property line and the side building setback line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

Front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot.

Front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.
(e) Accessory structures located in a front yard. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures.

No accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); an accessory structure located in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

(1) Detached garage located in the front yard of a single frontage lot, a through lot, or the primary front yard on a corner lot. Said garage shall meet the following requirements:

a. Footprint shall not exceed 900 square feet.

b. The detached garage shall not be located more than 35 feet from the principal structure.

c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.

c. The garage shall have at least one opening for vehicular access.

e. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.

f. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:

1. An attached or detached breezeway. Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;

2. An attached raised deck. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet.
Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.

(2) *Accessory structure located in the secondary front yard of a corner lot.* Said accessory structure shall meet the following requirements:

   a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.
Goal: Create a procedure for the Planning Commission to establish the front, side and rear yards on a flag lot (existing and proposed) that would differ from yards per County regulations and establish the front, side and rear yards on a land locked lot.

Definition

*Flag lot* means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

Lot, landlocked, means a lot of record having no frontage on a street.

Procedure

*Procedure for establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot.* Due to the various irregular shapes of flag lots and that nonconforming land locked lots have no road frontage, the planning commission, in consultation with the property owner, may establish the front, side and rear yards on a flag lot (existing and proposed) that would be different than the yards per existing County regulations and establish the front, side and rear yards a nonconforming land locked lot. This procedure is applicable to existing and proposed flag lots and nonconforming landlocked lots. The front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot will be considered in this establishment of front, side and rear yards. The establishment of yards through this procedure will require the revision of the Minor Subdivision Plat or Final Plat, as applicable.

FLAG LOTS AND LAND LOCKED LOT HISTORY

Three basic *flag lot* development types

- Named private drive with address on named private drive - road frontage 25 feet (prior to 1991-92) for pole portion of lot – some plats indicate front, side and/or rear setbacks others do not.

- Unnamed private drive with address on County road - road frontage varied from 25 feet (prior to 1991-92) to 100 feet for pole portion of lot - plats prior to 2010 may or may not indicate front, side and/or rear setbacks- final and minor subdivision plats after 2010 indicate front, side or rear setbacks

- Individual driveway for each lot - road frontage 100 feet for pole portion of lot - plats prior to 2010 may or may not indicate front, side or rear setbacks- final and minor subdivision plats after 2010 indicate front, side or rear setbacks

*Land locked* lots existing prior to 11/13/1980 with the required easement are considered as nonconforming lots. The zoning ordinance defines front yard in relation to street frontage and technically land locked lots do not have street frontage.