AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
May 17, 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 May 3, 2018.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of Popatiya’s Palazzo. The property will consist of three residential lots zoned R-70, is located in Land Lot(s) 54 & 75 of the 7th District and front(s) on Adams Road and Sun Road.

PUBLIC HEARING

3. Consideration of Petition No. 1273-18, Travis & Sabrina Williamson, Owner, request to amend a condition of rezoning to reduce a 75 foot front yard setback from Eastin Road to 60 feet for Lot 21 of Mackenzie Walk Subdivision. This property is located in land lot 21 of the 7th District.
To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: May 10, 2018
Subject: Minor Subdivision Plat to be considered on May 17, 2018

MINOR SUBDIVISION PLAT

Minor Subdivision Plat of Popatiya’s Palazzo

OWNER/APPLICANT

Rafiq D. Farishta

Recommend APPROVAL for the Minor Subdivision Plat.
APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: Travis and Sabrina Williamson

MAILING ADDRESS: 105 Mackenzie Lane

PHONE: 770-601-5165 E-MAIL: sabrina@goferthwilliamson.com

AGENT FOR OWNERS: __________________________

MAILING ADDRESS: 105 Mackenzie Lane, Fayetteville, GA 30214

PHONE: __________________________ E-MAIL: __________________________

PROPERTY LOCATION: LAND LOT 21 LAND DISTRICT 7th PARCEL 07070217

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1.021

EXISTING ZONING DISTRICT: R-45 cond. PROPOSED ZONING DISTRICT: R-45 cond.

ZONING OF SURROUNDING PROPERTIES: R-45, R-70

PRESENT USE OF SUBJECT PROPERTY: Residential Home

PROPOSED USE OF SUBJECT PROPERTY: Residential Home

LAND USE PLAN DESIGNATION: Rural Residential - 2 (1 unit/2 acres)

NAME AND TYPE OF ACCESS ROAD: Eastin Rd & Mackenzie Ln

LOCATION OF NEAREST WATER LINE: __________________________

(THESE AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1873-18

| | Application Insufficient due to lack of: __________________________ |

by Staff: __________________________ Date: __________________________

✓ | Application and all required supporting documentation is Sufficient and Complete

by Staff: __________________________ Date: 4/25/2019

DATE OF PLANNING COMMISSION HEARING: May 3, 2018

DATE OF COUNTY COMMISSIONERS HEARING: May 24, 2018

Received from Sabrina Williamson a check in the amount of $290.00 for application filing fee, and $250.00 for deposit on frame for public hearing sign(s). 40.00

Date Paid: 4/25/2018 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:

______________________
Travis and Sabrina Williamson

Please Print Names

Property Tax Identification Number(s) of Subject Property: 04007 070702017
(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) 21 of the ______ 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 ____________________________ to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

______________________
Signature of Property Owner 1
______________________
Signature of Notary Public

105 Mackenzie Lane, Fayetteville, GA 30214 4-25-18
Address
______________________
Date

______________________
Signature of Property Owner 2
______________________
Signature of Notary Public

______________________
Signature of Property Owner 3
______________________
Signature of Notary Public

______________________
Signature of Authorized Agent
______________________
Signature of Notary Public

______________________
Address
______________________
Date
NAME: Travis and Sabrina Williamson  PETITION NUMBER: __________

ADDRESS: 105 Mackenzie Lane, Fayetteville, GA 30214

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

Travis and Sabrina Williamson affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) _______ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $ to cover all expenses of public hearing. He/She petitions the above named to change its classification to __________.

This property includes: (check one of the following)

| [x] | 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 __________ day of May 2018 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the __________ day of May 2018 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _______ DAY OF ___________________, 20__

Notary Public

25th April 2018

APPLICANT'S SIGNATURE

REZONING APPLICATION, FAYETTE COUNTY, GA
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

In consideration of Ten and 00/100 ($10.00) Dollars and other valuable consideration, the receipt whereof is hereby acknowledged, Roger L. Gillam, of Fayette County, Georgia does hereby give, grant, sell, alien and convey unto Travis C. Williamson and Sabrina L. Williamson, as Joint Tenants with Right of Survivorship, of Fayette County, Georgia, their heirs and assigns, the following property, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 21 of the 7th District of Fayette County, Georgia being Lot 21 of MacKenzie Walk Subdivision, as shown on that certain plat of said subdivision as recorded in Plat Book 26, Pages 152-154, Fayette County, Georgia Records, reference to which plat is hereby made for a more accurate description of the metes and bounds of said Lot 21.

This conveyance is made subject to any restrictions of record, together with all privileges and appurtenances thereto in anywise belonging in fee simple.

And the said vendor(s) will, and his heirs, executors, administrators and assigns shall, the said property to the said vendee(s), their heirs, executors, administrators, and assigns, forever warrant and defend against the lawful demands of all persons whatsoever.

IN WITNESS WHEREOF, the said Roger L. Gillam has hereunto set his hand(s), affixed his seal(s) and delivered these presents this 9th day of August, 1999.

Signed, sealed and delivered

In the presence of:

Roger L. Gillam
(SEAL)

Notary Public
My Commission Expires:
(SEAL)
REQUESTED ACTION: Request from R-45 Cond. To R-45 Cond. to amend rezoning conditions on Lot 21 of Mackenzie Walk Subdivision

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: Eastin Road and Mackenzie Lane

DISTRICT/LAND LOT(S): Land Lot 21 of the 7th District

OWNER: Travis and Sabrina Williamson

PLANNING COMMISSION PUBLIC HEARING: May 17, 2018

BOARD OF COMMISSIONERS PUBLIC HEARING: June 14, 2018

_____________________________________________________________________________

APPLICANT'S INTENT

Applicant proposes to amend a condition of rezoning to reduce a 75 foot front yard setback from Eastin Road to 60 feet. This request pertains only to Lot 21 of Mackenzie Walk Subdivision.

_____________________________________________________________________________

STAFF RECOMMENDATION

APPROVAL with CONDITIONS

1. 1273-18
INVESTIGATION

A. PROPERTY SITE

The subject property is Lot 21 of the Mackenzie Walk Subdivision and is zoned R-45. Lot 21 is 1.721 acres in size per the Final Plat.

History: On May 26, 1994, the Board of Commissioners approved rezoning request (851-94) to rezone 44.24 acres from R-70 to R-45 for a residential subdivision (Mackenzie Walk). The application was approved with four (4) recommended conditions as follows:

1. That all structures be setback at least 80 feet from the right-of-way of Eastin Road, 50 feet of which shall be a natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated. Said buffer must be indicated on the Preliminary and Final Plats.
2. That no individual lot shall have direct access to nor be oriented to Eastin Road.
3. That the proposed development tie into County water and provide fire hydrants as per comments submitted by the Fayette County Fire Marshal.
4. That lots adjoining Eastin Road have a lot width of at least 150 feet at the building line.

On December 9, 1999, the Board of Commissioners approved rezoning request (1034-99) to rezone 1.721 acres from R-45 Conditional to R-45 Conditional to revise a condition of rezoning to reduce an 80 foot setback from Eastin Road to 75 feet. This reduction in the setback was requested as a portion of the residence encroached into the 80 foot setback. The application was approved with four (4) recommended conditions as follows:

1. All structures on Lot 21 shall be set back at least 75 feet from the front property line along the right-of-way of Eastin Road, 50 feet of which shall be a natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated.
2. No individual lot shall have direct access to nor be oriented to Eastin Road.
3. The subject property shall be required to connect to the County water main system.
4. Lots adjoining Eastin Road shall have a lot width of at least 150 feet at the building line.
B. **ZONING**

The subject property is a corner lot with two front yards. The R-45 Zoning District requires a front yard setback of 60 feet from a Major Thoroughfare (Eastin Road) and also a front yard setback of 40 feet from a Minor Thoroughfare (Mackenzie Lane). However, the subject property has a rezoning condition which requires the front setback from Eastin Road to be a minimum of 80 feet. In addition, a 50 foot undisturbed buffer is required along Eastin Road per the existing condition of rezoning.

Subdivisions (Crimson Trace and Yates Crossing) to the east have similar 80 foot setbacks and 50 foot natural buffers along Eastin Road per conditions of rezoning. These subdivisions are also zoned R-45. In review of the final plats, no lot appears to be as affected by these conditions as is the subject property (Lot 21) due to its narrow configuration (see attached Final Plats). Conditions of rezoning which increased front yard setbacks were prevalent from the middle 80’s to the mid 90’s. It has not been the practice of staff to recommend these type of rezoning conditions since this time.

The petitioner is also pursuing variances to allow for the construction of a pool in a front yard which will meet the 60 foot R-45 setback, and for an existing accessory structure to remain in the front yard with a variance to reduce the 60 foot R-45 setback to 55 feet. Any approvals by the Zoning Board of Appeals will be conditional on the approval of this petition by the Board of Commissioners.

**STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from R-45 Cond. to R-45 Cond. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Rural Residential – 2 (1 Unit/2 Acres). This zoning district does not conform to the Fayette County Comprehensive Plan per se. However, the purpose of this rezoning request is amend the rezoning conditions on an existing subdivision lot.
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 CONDITIONS**.
RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be 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. A 50 foot natural buffer shall be maintained along Eastin Road on Lot 21. Said natural buffer shall be undisturbed except for approved access and utility crossings and replantings where sparsely vegetated.

2. Lot 21 shall not have direct access to nor be oriented to Eastin Road.

3. Lot 21 shall be connected to the County water system.

4. Lot 21 shall have a lot width of at least 150 feet at the building line.