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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Peter Frisina

Preferred Meeting Date: Thursday, March 27, 2008

Wording for the Agenda:

Consideration of Petition No. 1206-08. Elizabeth D. Brown and Wayne L. Brown, Jr., Owners, and Attorney Nathan M. Wheat for Racetrac Petroleum, Inc., Agent, request to rezone 2.75 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales. This property is located in land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314.

Background/History/Details:

Staff recommended denial of the C-C request and is recommending and O-I classification for this tract. The Planning Commission recommended the same with the added condition that no inter-parcel access be allowed to the adjacent property.

What action are you seeking from the Board of Commissioners?

Consideration of Petition No. 1206-08.

Staff recommended Denial of C-C and Approval of O-I. The P.C. recommended approval (4-1) of O-I subject to the following condition: No inter-parcel access shall be allowed to the adjacent property.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- (●) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Thursday, March 27, 2008

- ( ) Recognition/ Presentation
- (●) Public Hearing
- ( ) Old Business
- ( ) New Business
- ( ) Consent
- ( ) Report
- ( ) Other

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1206-08

APPLICANT: Elizabeth D. Brown and Wayne L. Brown, Jr.
1058 S.R. 314/525 S.R. 279
Riverdale, GA 30296/Fairburn, GA 30213

STAFF RECOMMENDATION: **DENY C-C, APPROVE O-I**

PLANNING COMMISSION HEARING: March 6, 2008

PLANNING COMMISSION RECOMMENDATION: **APPROVE O-I SUBJECT TO ONE (1) CONDITION (4-1)**

BOARD OF COMMISSIONERS HEARING: March 27, 2008

COMMISSION DECISION: _____

REQUEST: Request to rezone 2.75 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales.

PARCEL SIZE: 2.75 acres

EXISTING USE: Residential

PROPOSED USE: Convenience Store with Gasoline Sales

LOCATION: Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314

ZONING OF SURROUNDING PROPERTY: R-40

LAND USE PATTERN: Office

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Al Gilbert made a motion to approve the petition as O-I and added the following condition: No interparcel access shall be allowed to the adjacent parcel. Jim Graw seconded the motion. The motion passed 4-1, with Tim Thoms voting in opposition.

REASON(S) FOR RECOMMENDATION:

O-I is in compliance with the Fayette County Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION

DATE: March 6, 2008

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1206-08, the application of Elizabeth D. Brown and Wayne L. Brown, Jr. to rezone 2.75 acres from R-40 to C-C, be:

✓ Approved 4-1 _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action. O-I 4-1

DOUGLAS L. POWELL, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

TIM THOMS

JIM GRAW

Remarks:

_____

_____

_____

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

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

Date: March 11, 2008

Subject: Board of Commissioners Public Hearing, March 27, 2008

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the rezoning applications scheduled for public hearing on March 27, 2008.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1205-08	S.R. 279 and S.R. 314/Real Estate Brokers Office and Business Offices	**DENY**	**DENY (5-0)**
2-1	1206-08	S.R. 279 and S.R. 314/ Convenience Store with Gasoline Sales	**DENY C-C APPROVE O-I**	**APPROVE O-I WITH ONE (1) CONDITION (4-1)**
3-1	1207-08	S.R. 54 West/0.54 acres to be added to adjacent 5.31 acre tract zoned O-I	**APPROVE WITH ONE (1) CONDITION**	**APPROVE WITH ONE (1) CONDITION (5-0)**

DSD/rsw

cc: Jack Krakeel, Interim County Administrator
Scott Bennett, County Attorney
Peter A. Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

REQUESTED ACTION: R-40 (Single-Family Residential) to C-C (Community Commercial)

PROPOSED USE: Convenience Store with Gasoline Sales

EXISTING USE: Residential

LOCATION: S.R. 279 and S.R. 314

DISTRICT/LAND LOT(S): 13th District, Land Lot(s) 230

OWNER: Elizabeth D. Brown and Wayne L. Brown, Jr.

APPLICANT: Attorney Nathan M. Wheat for Racetrac Petroleum, Inc.

PLANNING COMMISSION PUBLIC HEARING: March 6, 2008

BOARD OF COMMISSIONERS PUBLIC HEARING: March 27, 2008

APPLICANT'S INTENT

Applicant proposes to develop a Convenience Store with Gasoline Sales on 2.75 acres.

STAFF RECOMMENDATION

DENY C-C, APPROVE O-I

INVESTIGATION

A. PROPERTY SITE

The subject property is a 2.75 acre tract fronting on S.R. 279 and S.R. 314 in Land Lot(s) 230 of the 13th District. S.R. 279 and S.R. 314 are classified as Major Arterial roads on the Fayette County Thoroughfare Plan. The subject property contains two (2) single-family dwellings and is currently zoned R-40.

B. SURROUNDING ZONING AND USES

The general situation is a 2.75 acres tract that is zoned R-40. In the vicinity of the subject property is land which is zoned R-40, R-45, and A-R. 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 (See Petition No. 1205-08 to rezone property from R-40 to O-I to develop a Real Estate Brokers Office and Business Offices)	4.11	R-40	Single-Family Dwelling	Office and Low Density Residential (1 unit/1 to 2 acres)
South (across S.R. 279)	0.40	R-40	Vacant	Office
	5.52	R-40	Single-Family Dwelling	Office
East (across S.R. 314)	20.29	R-40	Single-Family Dwelling	Office and Low Density Residential (1 unit/1 to 2 acres)
West	4.00	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
	Providence S/D	R-45	Single-Family Residential Subdivision	Low Density Residential (1 unit/1 to 2 acres)

C. COMPREHENSIVE PLAN

The request for rezoning from R-40 to C-C is not consistent with the Fayette County Comprehensive Plan. The subject property lies within an area designated for Office and Low Density Residential (1 unit/1 to 2 acres). The Land Use Element states: "It is a policy of the Fayette County Board of Commissioners that the county's residential neighborhoods are the cornerstone of the community. As such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of growth and development." The mix of residential and office land use designations in this area meet the intent of this policy. Objective L-2 states: "The County's land use pattern protects, enhances and/or maintains stability in established residential neighborhoods." Policy a. states: "Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, density/intensity, and that adverse impacts on public facility and transportation systems, the environment, and the surrounding area will not occur." Further Policy b. states: "Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas." The aforementioned land use policies and objectives do not support commercial zoning in this area. The policies do support Office-Institutional zoning at this intersection.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-40 to C-C for the purpose of developing Convenience Store with Gasoline Sales.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-40 (existing zoning district)	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
C-C (proposed zoning district)	F – 100' Arterial F – 70' Collector F - 65' Minor S - 15' R – 15'	1 Acre*** 0.5 Acres****	N/A	125'	50' buffer required adjacent to residential or A-R zoning districts
O-I (proposed zoning district by Staff)	F - 100' Arterial F - 70' Collector F - 55' Minor S - 15' Side R - 15' Rear	1 Acre*** 0.50 Acres****	N/A	125'	30' buffer required adjacent to residential or A-R zoning districts

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

*** A minimum lot size of one (1) acre where a central sanitary sewage or central water distribution systems are provided.

**** One and one-half (1.50) acres where neither a central sanitary sewage nor a central water distribution system is provided.

State Route Overlay

Due to the frontage on S.R. 279 and S.R. 314, development of the property is subject to the requirements of the General State Route Overlay Zone. The Overlay Zone requirements are in addition to the zoning district requirements and any Conditional Use requirements, and in cases where there is a conflict between requirements, the most restrictive regulation applies. Overlay Zone requirements include, but are not limited to, the following: a 100 foot setback from the right-of-way of S.R. 279 and S.R. 314, a 50 foot setback for impervious surfaces from right-of-way of S.R. 279 and S.R. 314, and architectural standards for buildings which require a residential character including a pitched peaked roof, a residential façade, and doors and windows of a residential character.

Right-of-Way Requirements

S.R. 279 and S.R. 314 is classified as Major Arterial roads (major thoroughfares) on the Fayette County Thoroughfare Plan. This being a State Route, any dedication will be the responsibility of the Georgia Department of Transportation (GDOT) to secure from the property owner and must be indicated on the Site Plan.

Access

The Concept Plan submitted indicates one (1) access from S.R. 279 and one (1) access from S.R. 314.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Section 5-18. Screening Required and Section 5-19. Screening Standards of the Fayette County Zoning Ordinance and Section 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

The volume of trips generated by the proposed development can be estimated by use of the manual Trip Generation by the Institute of Traffic Engineers, currently in its 7th Edition. The tables for Convenience Store with Gasoline Sales (945) were used for evaluation of this rezoning. The trip generation rates per vehicle fueling position (VFP's) based on the ITE manual is 162.78 for weekdays. Saturdays and Sundays are not included in tables for land use 945. Peak traffic hour rates were calculated based on ITE rates per VFP of 10.06 for the A.M. Peak Hour and 13.38 for the P.M. Peak Hour. As applied to the proposed use, there would be approximately 2,930 trip ends on weekdays. Of those trips, 181 would occur during the A.M. Peak and 240 in the P.M. Peak traffic hour of the adjacent roadways.

Trip Generation Table for Rezoning 1206-08

Proposed Use: Convenience Store with Gasoline Sales
Size: 4,997sf Convenience Store and 18 Vehicle Fueling Positions

Gasoline/Service Station with Gas Pumps (945)

	Weekday	Sat	Sun
Trip Gen, Rate	162.78	na	na
Total VFP's	18	18	18
24 hr Trip Ends	**2,930**	na	na

A.M. Peak Hour of Adjacent Street Traffic
One Hour Between 7 & 9am

	Weekday	Sat	Sun
Trip Gen, Rate	10.06	na	na
Total VFP's	18	18	18
24 hr Trip Ends	**181**	na	na

P.M. Peak Hour of Adjacent Street Traffic
One Hour Between 4 and 6pm

	Weekday	Sat	Sun
Trip Gen, Rate	13.38	na	na
Total VFP's	18	18	18
24 hr Trip Ends	**240**	na	na

There is significant concern regarding the intensity of use of this corner parcel in the intersection of state routes 279 and 314. Traffic levels and accident rates are issues of particular concern.

According to Georgia Department of Transportation traffic count data, the traffic volumes in 2006 (last available year) for an average day was 17,820 on SR 279 west of SR 314, with a peak hour volume of 2,918. For SR 314 north of SR 279 the average daily traffic count was 11,620 and the peak hour traffic was 1,754.

The Fayette County Sheriff's Department has commented that the accident rate for the SR 279/314 intersection is considered "significant" with 83 accidents reported over the past 24 month. This rate could be expected to increase as traffic increases. Turning movements would increase at this location if an intensive commercial use were permitted.

To determine the average trip generation for an office development on the subject property, Staff estimates that approximately 27,577 square feet of office could be built. The subject property is limited to fifty (50) percent impervious surface by the General State Route Overlay Zone. As indicated on the concept plan, the subject property is 119,901 square feet in size of which fifty (50) percent (59,950 square feet) can be impervious. Staff made the assumption that of the fifty (50) percent imperious surface area, forty-six (46) percent or 27,577 square feet would be building square footage and fifty-four (54) percent or 32,373 square feet would be for parking spaces, travel isles, vehicle entrances, sidewalks, etc. This is based on the parking requirements for general office in the Development Regulations which calls for one (1) parking space (200 square feet) for each 300 square feet of floor area and adjusted for the provision of travel isles, vehicle entrances, sidewalks, etc. This is a mathematical calculation and does not take into consideration any site constraints that could further restrict the amount of development on the subject property.

Comparative Use: General Office Building as Alternative to Convenience Store with Gasoline Sales
Rezoning Request 1206-08
Trip Generation Table for General Office Building (710)

24-Hour by 1,000's SF	Weekday	Saturday	Sunday
Trip Gen, Rate	11.01	2.37	0.98
1,000's of sf	27.6	27.6	27.6
24 hr Trip Ends	**304**	**65**	**27**

A.M. Peak	Weekday	Saturday	Sunday
Trip Gen, Rate per 1,000sf	1.55	0.41	0.14
1,000's of sf	27.6	27.6	27.6
24 hr Trip Ends	**43**	**11**	**4**

P.M. Peak Hour	Weekday	Saturday	Sunday
Trip Gen, Rate per 1,000sf	1.49	0.41	0.14
1,000's of sf	27.6	27.6	27.6
24 hr Trip Ends	**41**	**11**	**4**

Per the Engineering Department, any entrance road work along S.R. 279 or S.R. 314 is subject to D.O.T. approval and permitting.

F. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Site Plan. The Concept Plan indicates a deficiency in which the gasoline canopy encroaches into the 100 foot front yard setback along S.R. 279.

G. DEPARTMENTAL COMMENTS

Water System

Water is available.

Engineering

Floodplain:

The property does not contain floodplain per FEMA FIRM panel 13113C0045D.

Wetlands:

The property does not contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection:

There are no water bodies on the property per the USGS Riverdale Quadrangle (Photo revised 1982).

Groundwater Recharge Area:

This property is outside the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Stormwater:

The addition of 5,000 feet or more of impervious surface will result in the need for stormwater management.

Environmental Health Department

No comments regarding the rezoning request.

Fire and EMS

Fire hydrants and water lines exist in the area. Building will be reviewed for code compliance if rezoning is approved.

Public Works

All curb cuts to be GDOT approved. Curb cuts to also match/meet County standards for alignment with existing drives/roads and minimum distance between curb cuts.

Board of Education

If this application is approved, school system data shows it will not impact the school system with additional students.

Georgia Department of Transportation

Drives should meet all DOT sight distance and spacing requirements. Sight distance should be measured at the S.R. 279 drive to ensure the minimum can be met. A left and right turn lane will be required at each entrance.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-40 to C-C for the purpose of developing Convenience Store with Gasoline Sales. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The request for rezoning from R-40 to C-C is not consistent with the Fayette County Comprehensive Plan. The subject property lies within an area designated for Office and Low Density Residential (1 unit/1 to 2 acres). The Land Use Element states: "It is a policy of the Fayette County Board of Commissioners that the county's residential neighborhoods are the cornerstone of the community. As such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of growth and development." The mix of residential and office land use designations in this area are a reflection of this policy. Objective L-2 states: "The county's land use pattern protects, enhances and/or maintains stability in established residential neighborhoods." Policy a. states: "Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, density/intensity, and that adverse impacts on public facility and transportation systems, the environment, and the surrounding area will not occur." Further Policy b. states: "Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas." The aforementioned land use policies and objectives do not support commercial zoning in this area. The policies do support Office-Institutional zoning at this intersection.

2. The proposed rezoning could adversely affect the existing use or usability of adjacent or nearby residential property in terms of light, noise and increased traffic activity generally associated with commercial development and approval of this rezoning request could set a precedent providing legal leverage for the commercial rezoning of other residential lots in this area on SR 279 and SR 314.

3. The proposed rezoning will not result in a burdensome use of utilities or schools. The development of a Convenience Store with Gasoline Sales could generate approximately 2,930 vehicular trips on S.R. 279 and S.R. 314 as opposed to an office development that could generate approximately 304 vehicular trips.

   The Sheriff's Office has indicated that there are a high number of traffic accidents presently at this intersection and has concern that the development of a convenience store gas station would increase the accident rate due to the increase of traffic generated by this proposal.

4. This area consists of residential single-family properties, some of which are in residential subdivisions or individual residential lots fronting SR 279 and SR 314, and institutional properties consisting of churches. In terms of single-family residential development, this area contains some of Fayette County's earliest residential subdivisions as well as more recent and future residential subdivisions as evidenced by Providence Subdivision to the west across SR 279 and the recent rezoning of 42 acres from A-R to R-50 (Petition 1185-06) to the northwest on SR 279 for a future residential subdivision. The area is served by commercial development at the intersection of SR 138 and SR 314 and the intersection of SR 138 and SR 279. The existing conditions and the area's continuing development as a single-family residential district does not support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL OF C-C, APPROVAL OF O-I.**

5. **Consideration of Petition No. 1206-08, Elizabeth D. Brown and Wayne L. Brown, Jr., Owners, and Attorney Nathan M. Wheat for Racetrac Petroleum, Inc., Agent, request to rezone 2.75 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314.** *Staff recommended denial of C-C and approval of O-I.*

Attorney Nathan Wheat made the following comments:

1. Presented rendering of the new store design for the proposed Racetrac facility.
2. Not a typical rezoning.
3. Requesting a rezoning for a gas station to be located on the northwest corner of S.R. 314 and S.R. 279.
4. Current Comprehensive Plan designates the subject property as office; however, it was previously designated as commercial.
5. The Browns have homesteaded on the subject property for 185 years.

Todd Duplantis made the following comments:

1. Stated that Racetrac was owned and operated out of Atlanta.
2. The new store design conforms to the architectural guidelines to fit into a community.

Attorney Wheat made the following comments:

1. The site plan would comply with all the County requirements.
2. Commercial was the highest and best use for the subject property.
3. The County thought the property could be commercial from the mid 80's to the mid 90's.
4. At every other intersection and at every corner of two (2) state highways is designated as commercial.
5. The intersection is clearly nonresidential.
6. The use would be good for the community and is consistent with the surrounding uses and the proper use for where this property is, in relation to the two (2) state highways.

Chairman Powell asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. He asked for a showing of hands to allow Sgt. Earl Williams to count the number of people who wanted to speak.

Sgt. Williams reported that the count was 84.

Chairman Powell advised that there would not be enough time for everyone to speak and he asked the group if there was a spokesperson present.

The following people spoke in opposition:

1. Wayne Kendall, President of the Northridge Subdivision Home Owners Association and also a developer, of 395 North Drive.
2. John E. Jones, who represents the North Fayette Community Association, of 110 Lawson Lane.
3. Sam Emani of 100 Acorn Ridge.
4. Doris Anthony of 110 Melanie Circle.
5. Mike Hughes of 218 Dijon Court.

The following were points of opposition:

1. The request does not comply with the current Comprehensive Plan.
2. While the area may have been designated as commercial previously on the Comprehensive Plan, the current plan designates the area as office.
3. Concern about increased traffic congestion.
4. Petitioner should provide the County with a traffic study.
5. No deceleration/acceleration lanes indicated on the Concept Plan.
6. Concern about the lack of turning lanes.
7. Concern about sight distance for the two (2) proposed curb cuts and the close proximity to the signalization and the hill and curve on S.R. 279.
8. No provisions made for groundwater, retention, or detention.
9. Concern about leakage from gasoline tanks.
10. Require developer to provide insurance or a bond in case of contamination.
11. Dangerous activity in the middle of a residential area.
12. Seven (7) places to purchase gas within a one (1) mile radius.
13. Perhaps subject property is historical property and should be preserved as such.
14. Difficult to access Hwy. 279 and Hwy. 314 from subdivision streets.
15. Concern about the speed limit for Hwy. 279 and Hwy 314.
16. Concern about large gasoline tankers.
17. Concern about crime.
18. Concern about the effects on the quality of life in a suburban pristine neighborhood.
19. Concern about pollution of well water.
20. Concern about property values with homes selling for up to one million dollars.
21. Curb cut permits required by the GDOT.
22. Submittal of a Fact Sheet regarding the Mission Statement, Objectives, Upcoming Meetings, Meeting Location, and Date/Time of Meetings for the North Fayette Community Association.

23. Submittal of the Crime Stats from the Fayette County Sheriff's Office for 2006, 2007, and 2008, regarding: 1) Citgo located at 2400 Hwy. 138; 2) BP located at 2950 Hwy. 138; 3) QuikTrip located at 1846 Hwy. 85 North; and 4) BP located at 1866 Hwy. 85 North.

At this time, Chairman Powell closed the floor from public comments. He instructed those present who did not get to speak to get with Mr. Kendall or Mr. Jones and make sure they have their comments if they were not raised tonight.

In rebuttal, Attorney Wheat made the following comments:

1. The development would have to meet the GDOT requirements by installing such items as turning lanes.
2. Gas stations are not big trip generators because they are "passer by" businesses rather than destination businesses.
3. Competition is never a bad thing.
4. Racetrac gasoline is inexpensive and is efficiently provided and it is provided in a manner that is of a service to the community.

Mr. Duplantis made the following comments:

1. The underground storage tanks are built and inspected by the DEP Department and they are called double-walled, double-lined fiberglass tanks with electronic monitoring systems.
2. If there was ever a leak, there would be an electronic alarm system to notify of a fracture; however, it would be self-contained and there would be no seepage into the ground.

Attorney Wheat made the following comments:

1. The proposed operation would be 24/7, which eases concern about crime.
2. The property would be well lighted at all times.
3. There would be an attendant on-site 24 hours per day and overnight the attendant will be behind a safety glass.
4. Racetrac has the safety of its customers and employees at heart.
5. A well lighted facility with an attendant on-site 24/7 is better than having a vacant office complex with no lighting.

Attorney Wheat made the following comments:

1. He supported that adjacent rezoning to O-I.

2. The adjacent proposed O-I zoning would create a commercial node at the intersection of the two (2) state routes with the adjacent O-I being a step down from commercial to O-I to residential.

Hearing no further comments, Chairman Powell closed the floor from public comments.

Al Gilbert made a motion to approve the petition as O-I and added the following condition: No interparcel access shall be allowed to the adjacent parcel. Jim Graw seconded the motion.

Mr. Gilbert made the following comments:

1. Explained that when the intersection was reconfigured, the County received a lot of pressure for commercial on another parcel in the area.
2. The area is heavy residential and the County decided that office was the best designation.
3. The overlay zone requires a structure to have a residential appearance.
4. O-I is the most reasonable zoning for the parcel.
5. The purpose of the condition is to keep from having one (1) gigantic development.

Mr. Graw made the following comments:

1. Confirmed that the designation on the Comprehensive Plan for the subject property is office.
2. Subject property is more suited for an office complex than a residential complex.

Chairman Powell advised an unidentified man, who wished to speak, that the floor had been closed from public comments.

Tim Thoms made the following comments:

1. Explained that the P.C. is a recommending body to the B.O.C.
2. The rules and procedures were read at the beginning of the public hearing and they must be followed to keep an orderly system to the meeting.
3. Several letters were received from the public and submitted to the Planning & Zoning Department.
4. Comments would be taken under consideration; however, the public will be able to hear the P.C.'s discussion.
5. There would also be a public hearing held before the B.O.C.

Chairman Powell advised that a statement of constitutional objection, in connection with the application, to amend the Fayette County Ordinance has been submitted by Racetrac Petroleum.

Bill Beckwith made the following comments:

1. The County must give the land owners the right to use their land in an appropriate manner.
2. Commercial is not appropriate; however, office institutional is a more appropriate use of the land.
3. O-I is less demanding and a less dense use than commercial.
4. He supported the motion.

Mr. Thoms made the following comments:

1. A policy in the Comprehensive Plans states that the County wants to maintain the individual character of established communities, neighborhoods, and rural areas.
2. Water is available; however, currently there are several businesses which can't operate in Fayette County and to add the additional use of water by office institutional uses, over an R-40 use, is not appropriate at this time.
3. He was opposed to the O-I and the C-C.

Chairman Powell made the following comments:

1. Advised that the Comprehensive Plan has been changed eight (8) times since 1995.
2. Two (2) public hearings for the Comprehensive Plan are held and are open to the public.
3. The parcel reverted from commercial to office in 1995.
4. O-I is a suitable zoning for the area.
5. He could support O-I.

Hearing no further comments, Chairman Powell called for the vote. The vote for approval as O-I with one (1) condition passed 4-1, with Tim Thoms voting in opposition.

LT. COLONEL LINDA JONES
Director of Administration
LT. COLONEL WAYNE HANNAH
Director Traffic/Training
MAJOR ROBERT GLAZE
Director Technical Services
MAJOR TOMMY NATIONS
Director Field Operations
CAPTAIN MIKE HATTAWAY
Director Criminal Investigations

Fayette County Sheriff's Complex
155 Johnson Avenue
Fayetteville, Georgia 30214
(770) 461-6353
EMERGENCY: 9-1-1

Fayette County Sheriff's Office

RANDALL JOHNSON, SHERIFF

March 4, 2008

Stats request for 2400 GA 138 – CITGO

2006	2007	2008
Burglary – 2	Burglary – 2	Obstruction - 1
Robbery – 1	Theft – 2	Stolen Vehicle. Recovered - 1
Assault – 1	Drug Offense – 3	Stolen Vehicle - 1
	Weapons Offense - 2	
	Damage to Property – 1	
	Traffic Offense – 3	

Stats request for 2950 GA 138 – BP

2006	2007	2008
Robbery – 1	Forgery - 1	No reports
Forgery – 1	Assault – 1	
Stolen Property – 1	Damage to Property – 1	
Traffic Offense - 4	Traffic Offense – 2	
	Theft – 1	
	Drug Offense - 3	

Stats request for 1846 GA 85 N – Quick Trip

2006	2007	2008
Fraudulent Activity – 4	Robbery – 1	Drug Offense – 3
Drug Offense – 1	Drug Offense – 1	Theft – 1
Damage to Property – 1	Stolen Vehicle – 2	
Terroristic Threat – 1	Stolen Property – 1	
Theft – 1	Theft – 2	
Traffic Offense – 1	Traffic Offense - 4	
	Weapons Offense – 1	
	Liquor Law Violation – 1	

Stats request for 1866 GA 85 N – BP

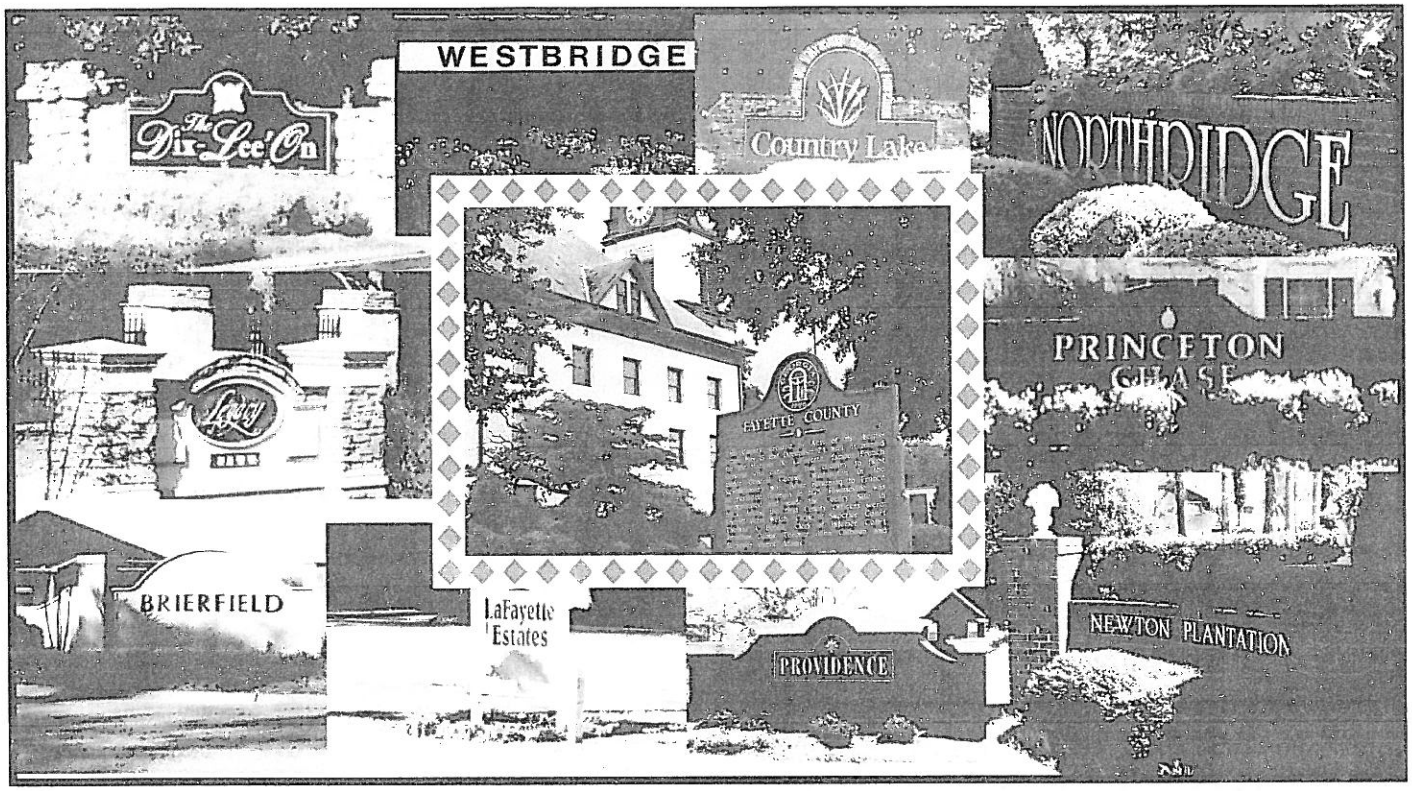
2006	2007	2008
Theft – 8	Theft – 1	Burglary - 2
Fraudulent Activity – 2	Stolen Vehicle Recovered – 1	
Damage to Property – 1		
Disorderly Conduct - 1		

NORTH FAYETTE COMMUNITY ASSOCIATION

W E S

FACTSHEET

2008



MISSION

The North Fayette Community Association seeks to promote and protect the well being and safety of all citizens who live and work in the area and to protect property values by collectively using the resources of its members who have common interests and issues that can be addressed more effectively in a unified community effort. Annual membership cost is $20 per household. Church, business, subdivision, and organizational memberships are also welcome.

OBJECTIVES

- Support Quality Education and Protect Property Values
- Neighborhood Watch and Crime Prevention.
- Monitor Maintenance of Public Services (i.e. Roads, Parks).
- Encourage Fair Allocation of Tax Dollars to North Fayette.
- Safeguard Quality of Life and Environment.
- Networking, Consumer Education and Protection.
- Support Community Programs, Activities and Services.
- Solicit Support from State Legislature, School Board, and County Officials.

UPCOMING MEETINGS

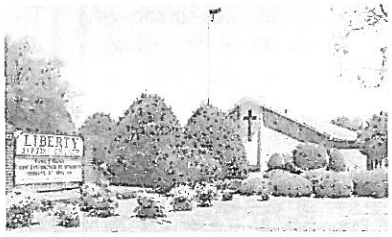
FEBRUARY	16TH
MAY	17TH
AUGUST	16TH
NOVEMBER	15TH

MEETING LOCATION

Liberty Baptist Church
1077 Highway 314 North
Riverdale, GA 30296

DATE/TIME

Every 3rd Saturday in Feb/May/Aug/Nov
10 AM - 12 NOON



NORTH FAYETTE COMMUNITY ASSOCIATION
P. O. BOX 1671
FAYETTEVILLE, GA 30214
770-994-7998

QUARTERLY ISSUES

- **February: Emergency Preparedness**
  Preparation for seasonal storms and tornado activity, natural and manmade disasters.
- **May: Septic System Maintenance/Storm Water Runoff/ Summer Vacation Safety**
  Provide information on septic system problem solving, preparation for torrential rains from tropical storms and summer vacation precautions.
- **August: Education/School Issues**
  Preparation for back to school, student and parental support to seek solutions to education problems.
- **November: Crime Prevention/Neighborhood Watch**
  Preparation for spike in crime that usually occurs during the holiday season to avoid being victimized by criminals.

Email address: northfayette@hotmail.com

OFFICERS

John E. Jones
President
Alice M. Jones
Vice President
Annette Newsome
Secretary
Jeanne Brumlow
Treasurer

COMMITTEES

Government Affairs
Information & Communications
Membership & Community Relations
Programs & Activities

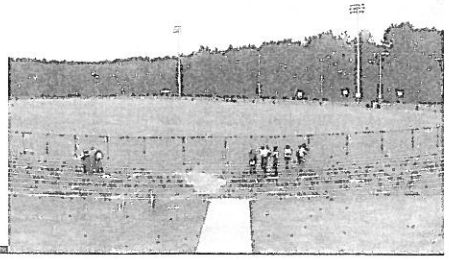
Volunteers needed to serve as officers and on committees.

ANNUAL MEMBERSHIP DUES

$20 PER HOUSEHOLD
$50 PER BUSINESS, ORGANIZATION, OR CHURCH

History of the North Fayette Community Association

The North Fayette Community Association (NFCA) was created by a volunteer group of homeowners in August 2001. It started as a community-based citizen advocacy group that identified some common issues, interest and concerns affecting many North Fayette residents. The NFCA was chartered in October 2001 as a non-profit, non-partisan Corporation and later received its Federal tax exemption status under IRS Code 501c4 non-profit corporation. State Representative Virgil Fludd, former President of the Association, was very instrumental in starting the organization. The North Fayette community covers a large area of the County that generally includes the area north of Georgia Hwy 54 and Hwy 74 extending North from downtown Fayetteville to GA Hwy 138. The East/West boundaries connects with Clayton County to the East and Tyrone and Peachtree City to the West. Most of the northern area of Fayette is unincorporated and a large percentage of the County's tax base is derived from there. The 2000 census data shows a population of 31,526 in northern Fayette County. Currently, the core of the membership of the North Fayette Community Association is concentrated in the extreme northern part of the county. Some of the core communities include Highland Hills, Newton Plantation, Northridge, Brierfield, LaFayette Estates, Legacy Hills, Westbridge I and II, Country Lake, Princeton Chase, Providence, Hampstead Heath, Dix-Lee-On and the homes along Highways 314 and 279. Many subdivisions have active homeowners' associations focusing on matters particular to that neighborhood. The focus of the North Fayette Community Association is on matters affecting the entire North Fayette community. For example, many homeowners who live in the northern most area of Fayette and pay Fayette County taxes have postal zip codes of 30213, Fairburn, Fulton County and 30296, Riverdale, Clayton County. This is misleading and can cause higher insurance and tax rates based on the common assumption that the northernmost Fayette residents live in Fulton or Clayton County where their mail route/ postal zip codes are established. The NFCA continues to seek remedies to correct this matter. The NFCA meetings provide informational and educational presentations relative to public services, government and legislative decision-making affecting homeowners, environmental safety and education. The leadership of the NFCA was very influential in getting the county to purchase the land and build what is now known as Kenwood Park on Hwy 279 near Kenwood Road.



RaceTrac
PRELIMINARY DESIGN

SCHEME B·L

INTERPLAN LLC
INTERPLAN NO 2006 0555

NAME: Racetrac Petroleum Inc., Nathan M. Wheat, attorney PETITION NUMBER: 1206-08

ADDRESS: 336 Highview Dr Smyrna, GA 30082

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

Nathan M. Wheat, attorney for Racetrac Petroleum, Inc. affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-40 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 Community Commercial.

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 6th day of March, 2008 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th day of March, 2008 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF January, 2008.

NOTARY PUBLIC

APPLICANT'S SIGNATURE

ASHLEY KLINE NOTARY PUBLIC Exp. June 21, 2011 COBB COUNTY, GA

ASHLEY KLINE NOTARY PUBLIC June 21, 2011 COBB COUNTY, GA

Petition No.: 1206-08

OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 230 OF THE 13TH DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION OF THE WESTERLY RIGHT OF WAY OF STATE ROUTE 314 AND THE NORTHERLY RIGHT OF WAY OF STATE ROUTE 279, SAID INTERSECTION BEING MONUMENTED WITH A GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MONUMENT FOUND AT STATION 8+45.61, 54.96 RT PER DEPARTMENT PLANS FOR FAP-STP-2390 AS LAST REVISED AUG.. 3, 1994 SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE, ALONG SAID RIGHT OF WAY OF STATE ROUTE 279, NORTH 75 DEGREES 38 MINUTES 43 SECONDS WEST A DISTANCE OF 78.46 FEET TO A RIGHT OF WAY MONUMENT FOUND;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY ALONG AN ARC TO THE SOUTHWEST A DISTANCE OF 209.76 FEET, SAID ARC BEING SUBTENDED BY A CHORD OF NORTH 64 DEGREES 42 MINUTES 12 SECONDS WEST A DISTANCE OF 208.48 FEET TO A NO. 4 REROD SET;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY ALONG AN ARC TO THE SOUTHWEST A DISTANCE OF 83.31 FEET, SAID ARC BEING SUBTENDED BY A CHORD OF NORTH 49 DEGREES 23 MINUTES 29 SECONDS WEST A DISTANCE OF 83.23 FEET TO A POINT;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY, NORTH 44 DEGREES 41 MINUTES 50 SECONDS WEST A DISTANCE OF 189.17 FEET TO A ONE INCH OPEN TOP PIPE FOUND;

THENCE, DEPARTING SAID RIGHT OF WAY, NORTH 73 DEGREES 55 MINUTES 12 SECONDS EAST A DISTANCE OF 301.05 FEET TO A ONE INCH OPEN TOP PIPE FOUND;

THENCE, SOUTH 89 DEGREES 52 MINUTES 56 SECONDS EAST A DISTANCE OF 171.68 FEET TO A RIGHT OF WAY MONUMENT AND TO THE RIGHT OF WAY OF STATE ROUTE 314;

THENCE, ALONG SAID RIGHT OF WAY, SOUTH 06 DEGREES 03 MINUTES 33 SECONDS EAST A DISTANCE OF 200.01 FEET TO A NO. 4 REROD SET AND BACK TO THE TRUE POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 06 DEGREES 13 MINUTES 38 SECONDS EAST A DISTANCE OF 147.68 FEET TO A RIGHT OF WAY MONUMENT FOUND;

THENCE, ALONG A MITERED CORNER OF SAID RIGHT OF WAY, SOUTH 47 DEGREES 14 MINUTES 29 SECONDS WEST A DISTANCE OF 50.84 FEET TO A RIGHT OF WAY MONUMENT FOUND AND BACK TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 2.75 ACRES AND AS SHOWN ON PLAT OF SURVEY FOR RACETRAC PETROLEUM, INC., FIRST AMERICAN TITLE COMPANY AND METROPOLITAN TITLE AGENCY BY CONNELLY AND WICKER LLC. LSF 00945 DATED JUNE 20, 2007 AS REVISED.

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:

WAYNE L. BROWN, JR.

Please Print Names

Property Tax Identification Number(s) of Subject Property: 1303-041-01 + 1303020

(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) 230 **of the** 13th **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 Racetrac Petroleum, Inc., Nathan Wheatley **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**
525 Hwy 279	12/3/07
Address	**Date**
	MARY MEAD NOTARY PUBLIC COWETA COUNTY STATE OF GEORGIA My Commission Expires August 9, 2011
Signature of Property Owner 2	**Signature of Notary Public**
Address	**Date**
Signature of Property Owner 3	**Signature of Notary Public**
Address	**Date**
Signature of Authorized Agent	**Signature of Notary Public**
336 Highway Dr. Smyrna, GA 30082	1/30/08
Address	**Date**

ASHLEY KLINE NOTARY PUBLIC Exp. June 21, 2011 COBB COUNTY, GA

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:

ELIZABETH D. BROWN ~~[illegible]~~.

Please Print Names

Property Tax Identification Number(s) of Subject Property: 1303-020-01

(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) 230 **of the** 13 **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 Rountree Petroleum, Inc., Nathan Wheat, Atty. **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.

Elizabeth D. Brown
Signature of Property Owner 1

1058 Hwy 314
Address

Mark D. Mead
Signature of Notary Public

12/3/07
Date

MARK D. MEAD
NOTARY PUBLIC
COWETA COUNTY
STATE OF GEORGIA
My Commission Expires August 9, 2011

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Attorney for Rountree Petroleum Inc.
Signature of Authorized Agent

Address

Signature of Notary Public

1/30/08
Date

ASHLEY KLINE
NOTARY PUBLIC
Exp. June 21, 2011
COBB COUNTY, GA

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Wayne L. Brown, Jr., 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 _____ day of _____, 20_____.

Wayne L Brown Jr

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Mark D. Mead

NOTARY PUBLIC

MARK D. MEAD
NOTARY PUBLIC
COWETA COUNTY
STATE OF GEORGIA
My Commission Expires August 9, 2011

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Elizabeth D. Brown, 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 _____ day of _____, 20_____.

Elizabeth D. Brown
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Mark D. Mead
NOTARY PUBLIC

MARK D. MEAD
NOTARY PUBLIC
COWETA COUNTY
STATE OF GEORGIA
My Commission Expires August 9, 2011

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 31st day of January, 20 08.

APPLICANT'S SIGNATURE

Nathan M. Wheat
Attorney at Law
336 Highview Drive, S.E.
Smyrna, GA 30082
Telephone: (678) 777-1651 **E-mail: nathanwheat@hotmail.com**

January 30, 2008

Mr. Pete Frisina
Director, Fayette County Planning & Zoning Department
140 Stonewall Avenue, Suite 202-A
Fayetteville, Georgia 30214

Re: Submission of Application for Rezoning

Dear Mr. Frisina:

As attorney for Racetrac Petroleum, Inc., I submit herewith an Application to Amend the Fayette County Zoning Ordinance to rezone certain property located at the intersection of State Route 314 and State Route 279 (the "Subject Property") from R-40 to Community Commercial. Enclosed please find all supporting materials in connection with the application. As noted on the site plan, the proposed use of the Subject Property is as a service station and convenience store.

I also enclose herewith a specification of constitutional objections. If you have any questions concerning this application, please let me know.

Sincerely,

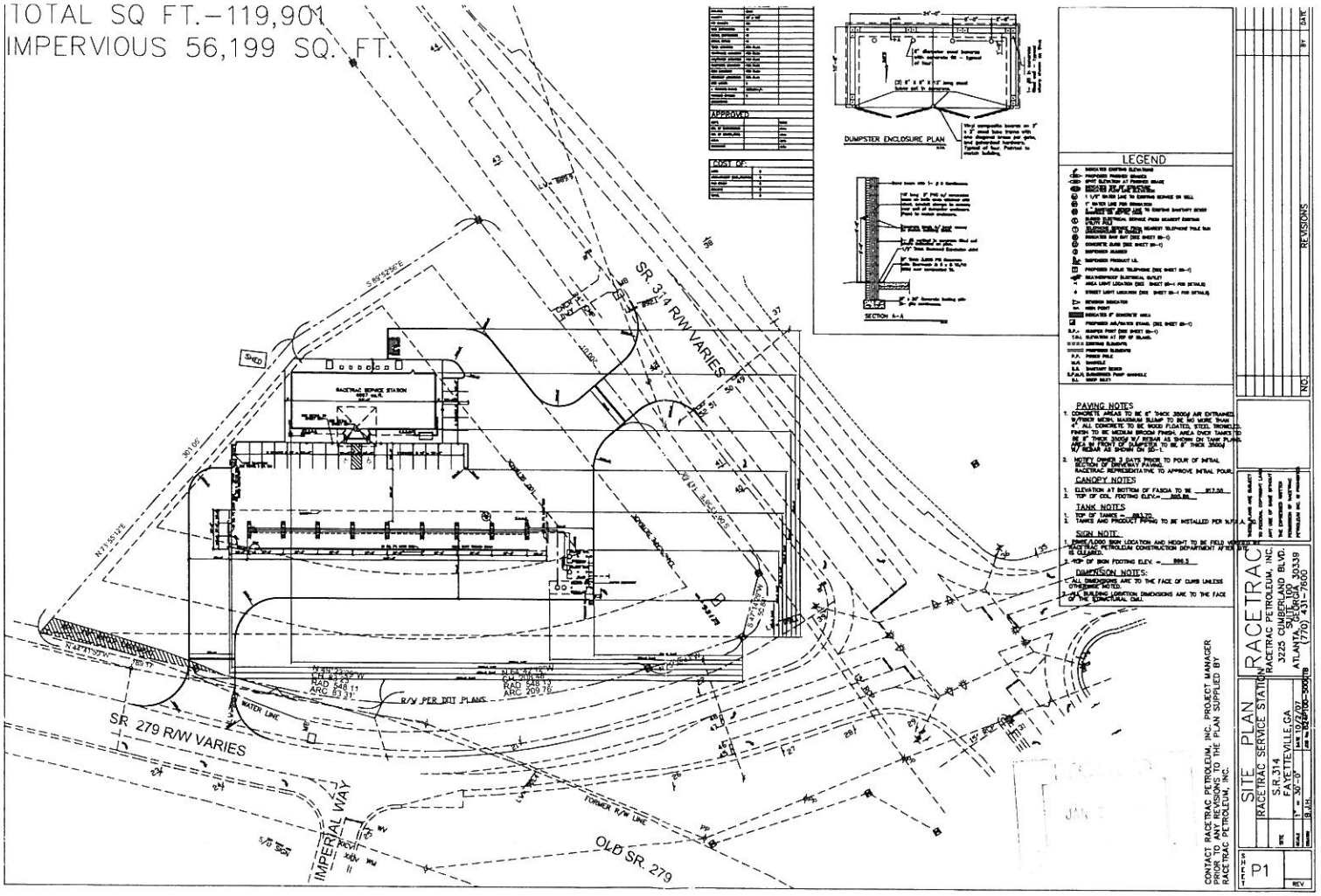
Nathan M. Wheat

Enclosures

STATEMENT OF CONSTITUTIONAL OBJECTIONS IN CONNECTION WITH APPLICATION TO AMEND FAYETTE COUNTY ZONING ORDINANCE SUBMITTED BY RACETRAC PETROLEUM, INC.

COMES NOW Racetrac Petroleum, Inc., and sets forth its constitutional objections as follows:

Applicant seeks to rezone the Subject Property from R-40 to Community Commercial to allow for the development of a convenience store and service station, as described in the foregoing application. The present zoning classification of the Subject Property without the granting of such rezoning constitutes the taking of property without the payment of adequate compensation. Barrett v. Hamby, 235 Ga. 262, 219 S.E.2d 399 (1975). In addition, the arbitrary and capricious denial of the rezoning and land use amendment applications would constitute a violation of due process and equal protection. Tuggle v. Manning, 244 Ga. 29, 159 S.E.2d 703 (1968). The denial of the rezoning and land use amendment requests would not beat a substantial relation to the public health, safety, morals, or general welfare. As a result, the denial of the rezoning and land use amendment requests would be arbitrary and capricious. Sellars v. Cherokee County, 254 Ga. 496, 330 S.E.2d 882 (1985).

If the applicant's rezoning and land use amendment requests are denied, her rights under the Fourteenth Amendment to the Constitution of the United States and under Article I, Section I, Paragraph I (Due Process) and Article I, Section III, Paragraph I (Eminent Domain) of the Constitution of the State of Georgia will be violated. Denial of the rezoning request will constitute and improper exercise of the police power.

TOTAL SQ FT.-119,901
IMPERVIOUS 56,199 SQ. FT.