

**BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

**STAFF**

Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning & Zoning Coordinator

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**February 3, 2022**  
**7:00 pm**

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

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**NEW BUSINESS**

1. Consideration of the Minutes of the meeting held on January 6, 2022.
2. Consideration of a Minor Final Plat of the Holtzclaw Estate. The property will consist of two (2) lots Zoned R-40, is located in Land Lot(s) 33 & 34 of the 5<sup>th</sup> District and fronts on Brown Road.

**PUBLIC HEARING**

3. Consideration of Petition No. RP-079-22, To revise the Major Final Plat of Platinum Ridge by adding an adjacent 19.3 acre tract to Lot 32, an existing 5.09 acre lot. This property is located in Land Lot 62 of the 7th District, and fronts on Platinum Ridge Pointe.
4. Consideration of Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center. This property is located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.
5. Consideration of Petition No. 1316-21 B, DARRS, LLC, Owner, and Richard P. Lindsey, Agent, request to rezone .09 acres from A-R to C-C to develop a Commercial Retail Center. This property is located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.
6. Consideration of Petition No. 1316-21 C, Estate of Yvonne B. Hammett, Owner, and Richard P. Lindsey, Agent, request to rezone .42 acres from A-R to C-C to develop a Commercial Retail Center. This property is located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

7. Consideration of Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone .41 acres from A-R to C-C to develop a Commercial Retail Center. This property is located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.
8. Consideration of Petition No. 1316-21 E, Buddy Hand and Laverne Hand Starr, Owner, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center. This property is located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.
9. Consideration of Petition No. 1317-21, Kenneth L. Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.00 acres from C-H Conditional to C-H to develop a Self-Storage Facility. This property is located in Land Lots 69 & 70 of the 5th District and fronts on SR 85 South.

To: Fayette County Planning Commission  
From: Chanelle Blaine, Zoning Administrator  
Date: January 26, 2022  
Subject: Minor Final Plat to be considered on February 3, 2022

**MINOR FINAL PLAT**

Minor Final Plat of the Holtzclaw Estate

**OWNER/APPLICANT**

Bobby R. Holtzclaw, Jr.

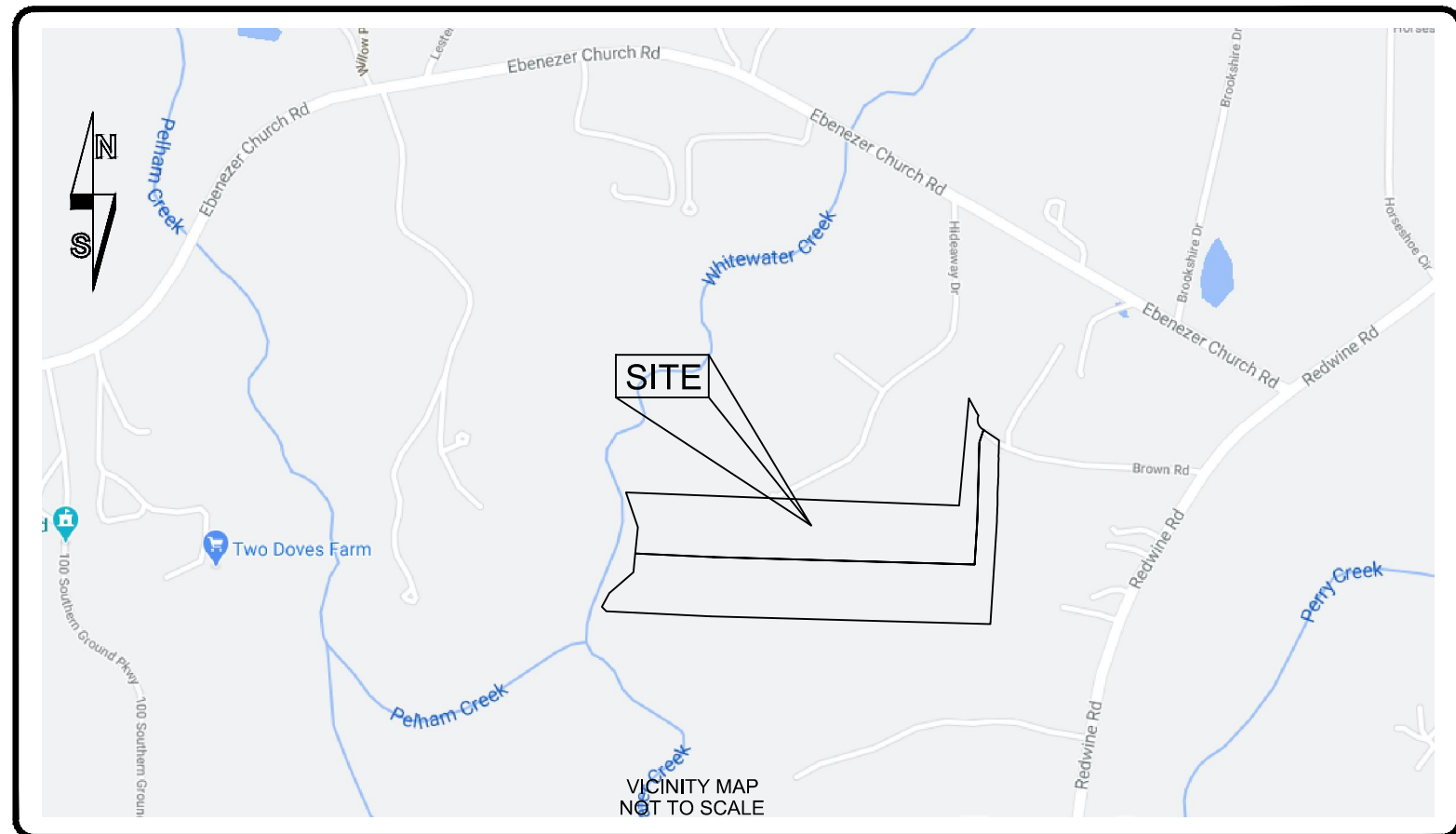


Recommend **APPROVAL** for the Minor Final Plat signed January 20, 2022.

# MINOR FINAL PLAT OF THE HOLTZCLAW ESTATE

LEGEND  
RBF=REBAR FOUND  
RBS=REBAR SET  
CTP=CRIMP TOP PIPE  
L.L.=LAND LOT  
L.L.L.=LAND LOT LINE  
P.=PROPERTY LINE  
CO=CONSTRUCTION ENTRANCE  
EP= EDGE OF PAVEMENT  
P.O.B.=POINT OF BEGINNING  
B/L=BUILDING SETBACK LINE  
D.E.=DRAINAGE EASEMENT  
N/F=NOW OR FORMERLY  
F.W.P.D.=FIELD WORK  
PERFORMED DATE  
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION  
DB=DEED BOOK  
PG=PAGE  
PB=PLAT BOOK  
###)=HOUSE NUMBER  
U/P=UTILITY POLE  
R/W=RIGHT OF WAY  
TBM=TEMPORARY BENCHMARK

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.



## GENERAL NOTES

- OWNER:  
BOBBY R. HOLTZCLAW, JR.  
EXECUTOR FOR THE ESTATE OF CASSIE B. HOLTZCLAW  
6797 MT CARMEL ROAD  
GAY, GA 30218  
770-318-1440
- SURVEYOR:  
S. A. GASKINS & ASSOCIATES, LLC.  
P.O. BOX 321  
BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com
- TOTAL ACREAGE: 30.38 ACRES (DB 5211 PG 523-529)  
  
2 LOTS- ZONED R-40  
  
MINIMUM DIMENSIONAL REQUIREMENTS FOR R-40 ZONING DISTRICT  
  
LOT AREA: 1 ACRE (43,560 SQ FT)  
LOT WIDTH: 125 FT  
FLOOR AREA: 1,500 SQ FT  
FRONT YARD SETBACK:  
MAJOR THOROUGHFARE  
ARTERIAL: 60 FEET  
COLLECTOR: 60 FEET  
LOCAL: 40 FEET  
MINOR THOROUGHFARE: 125 FEET  
REAR YARD SETBACK: 30 FT  
SIDE YARD SETBACK: 15 FT
- SEWER TO BE PROVIDED BY AN ON-SITE SEWAGE DISPOSAL SYSTEM.
- WATER TO BE PROVIDED BY INDIVIDUAL WELLS.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
- THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBERS 13113C0111E AND 13113C0113E, DATED SEPTEMBER 26, 2008, A PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.
- EACH RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF MORE THAN 0.3 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE ARE NO VISIBLE CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE STATE WATERS ON THIS PROPERTY.
- PER THE NATIONAL WETLANDS INVENTORY, THIS SITE DOES CONTAIN JURISDICTIONAL WETLANDS. ANY JURISDICTIONAL WETLANDS ON THIS SITE ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
- IF EITHER LOT SHOWN ON THIS PLAT IS SOLD, THE EXISTING HOME POSITIONED ON FUTURE LOT 2 AND THE WELL AND SEPTIC SYSTEM ON LOT 1 WILL BE PROPERLY ABANDONED. THE FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT WILL BE PROVIDED WITH AN EPD ABANDONMENT LETTER FROM A CERTIFIED WELL CONTRACTOR IF THE WELL IS NOT TO BE USED. THE FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT WILL BE CONTACTED TO VERIFY BY INSPECTION WHEN THE EXISTING SEPTIC TANK IS PUMPED, CRUSHED AND FILLED.
- ANY AND ALL PROPERTIES SUBDIVIDED INTO INDIVIDUAL LOTS, FOR SALE, WHERE THERE IS AN EXISTING WATER MAIN, AND IF CHOOSING FAYETTE COUNTY WATER, SHOULD BE REQUIRED TO PROVIDED TAPS AND SERVICES FOR THE SUBDIVIDED PROPERTIES AT THE DEVELOPER'S EXPENSE. METER AND AVAILABILITY FEES SHOULD ALSO BE APPLIED. FCWS HAS NO OBJECTION TO WATER SERVICE PROVIDED BY INDIVIDUAL WELL SUBJECT TO APPROVAL BY APPROPRIATE AGENCIES.

## FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
ENVIRONMENTAL HEALTH  
SPECIALIST/DESIGNEE

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
ENVIRONMENTAL MANAGEMENT DIRECTOR  
DESIGNEE

APPROVED BY FAYETTE COUNTY ENGINEER

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
COUNTY ENGINEER/ DESIGNEE

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION \_\_\_\_/\_\_\_\_/\_\_\_\_

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
SECRETARY/ DESIGNEE

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
ZONING ADMINISTRATOR/ DESIGNEE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
FIRE MARSHAL/ DESIGNEE

## SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620

DATE 03/02/21



To: Tameca Smith, County Clerk  
From: Chanelle N. Blaine, Zoning Administration  
Date: November 31, 2021  
Subject: Administrative Zoning Change  
425 Brown Road  
Land Lot(s) 33 & 34 of the 5th  
RA-026-21

Pursuant to the provision of Section 110-28 (3) of the Zoning Ordinance, and acting in the official capacity as Zoning Administrator, the property described in Deed Book 5211 Page 523-529, described below which fronts on Brown Road, is a total of 30.373 acres. The major portion (23.733 acres) of the property is zoned R-40, and the minor portion (6.63 acres) of the property is zoned A-R is hereby administratively changed from A-R to R-40, and the appropriate change has been made on the Official Zoning Map.

### Legal Boundary Description:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 33 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LAND LOT 33, WHICH POINT IS THE COMMON CORNER OF LAND LOTS 31, 32, 33 & 34, THENCE N 87°11'37" W ALONG THE SOUTH LINE OF LAND LOT 33 FOR 554.92 FEET TO THE CENTER LINE OF WHITEWATER CREEK, THENCE ALONG SAID CENTERLINE N 44°49'31" W FOR 33.89 FEET, THENCE N 29°21'01" E FOR 82.50 FEET, THENCE N 49°03'10" E FOR 169.31 FEET, THENCE N 5°44'00" E FOR 241.93 FEET, THENCE N 19°00'25" W FOR 195.72 FEET, THENCE LEAVING SAID CENTERLINE S 87°44'34" E FOR 468.58 FEET TO THE EAST LINE OF LAND LOT 33, THENCE S 01°39'11" W ALONG THE EAST LINE OF LAND LOT 33 FOR 641.50 FEET TO THE SOUTHEAST CORNER OF LAND LOT 33 AND THE POINT OF BEGINNING.

SAID TRACT CONTAINING 6.63 ACRES.

### ATTEST:

Howard Johnson  
Planning & Zoning Coordinator

Chanelle N. Blaine, AICP  
Zoning Administrator

## OWNER'S CERTIFICATION

I, THE UNDERSIGNED OWNER/REPRESENTATIVE OF THE HOLTZCLAW ESTATE SUBDIVISION, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT. ALL PROPERTY CONTAINED WITHIN THE REQUIRED RIGHT-OF-WAY OF ALL EXISTING STREETS ADJACENT TO THE SUBDIVISION AS INDICATED HEREON, SHALL BE DEDICATED AND CONVEYED AT NO COST TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, UPON RECORDATION OF SAID FINAL PLAT WITH THE FAYETTE COUNTY CLERK OF SUPERIOR COURT.

OWNER

DATE

Prepared For:  
**BOBBY R. HOLTZCLAW, JR.**

Land Lot 33 & 34 Of The 5th Land District  
Fayette County, Georgia

**S.A. GASKINS & ASSOCIATES, LLC**

surveyors planners development consultants  
P.O. BOX 321 BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com



Job No. 18-087

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 03/02/21

F.W.P.D.: 12/14/20

Revisions	Date
County comments	10/29/21
County comments	12/15/21

PAGE 1 OF 2

MINOR FINAL PLAT OF THE  
HOLTZCLAW ESTATE

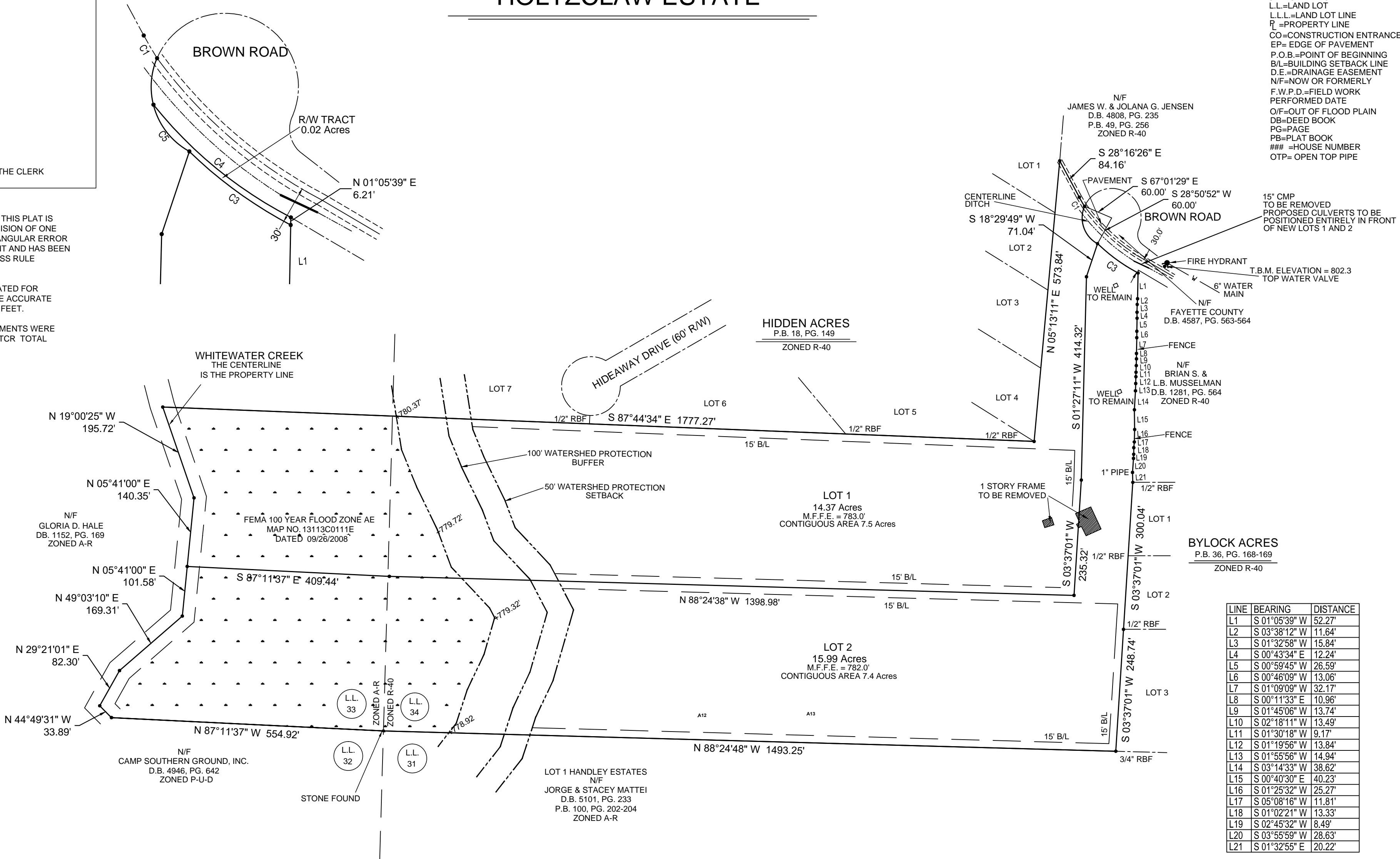
THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

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

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

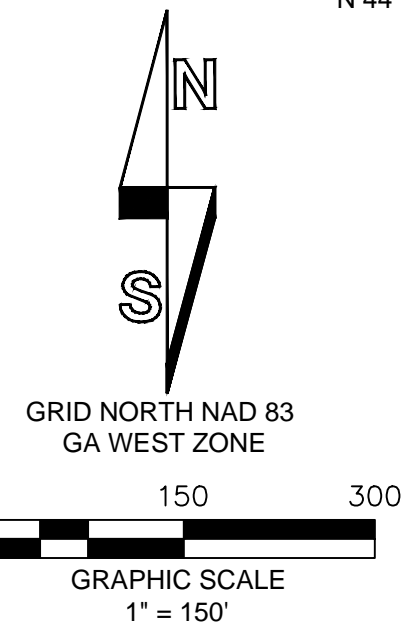
ANGULAR & LINEAR MEASUREMENTS WERE  
OBTAINED USING A LIECA 403 TCR TOTAL  
STATION

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PG=PAGE  
PB=PLAT BOOK  
###=HOUSE NUMBER  
OTP= OPEN TOP PIPE



LINE	BEARING	DISTANCE
L1	S 01°05'39" W	52.27'
L2	S 03°38'12" W	11.64'
L3	S 01°32'58" W	15.84'
L4	S 00°43'34" E	12.24'
L5	S 00°59'45" W	26.59'
L6	S 00°46'09" W	13.06'
L7	S 01°09'09" W	32.17'
L8	S 00°11'33" E	10.96'
L9	S 01°45'06" W	13.74'
L10	S 02°18'11" W	13.49'
L11	S 01°30'18" W	9.17'
L12	S 01°19'56" W	13.84'
L13	S 01°55'56" W	14.94'
L14	S 03°14'33" W	38.62'
L15	S 00°40'30" E	40.23'
L16	S 01°25'32" W	25.27'
L17	S 05°08'16" W	11.81'
L18	S 01°02'21" W	13.33'
L19	S 02°45'32" W	8.49'
L20	S 03°55'59" W	28.63'
L21	S 01°32'55" E	20.22'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	21.49'	323.10'	3°48'42"	S 30°24'14" E	21.49'
C2	88.09'	60.00'	84°06'58"	S 19°05'28" E	80.39'
C3	102.43'	353.10'	16°37'16"	S 54°02'30" E	102.07'
C4	145.93'	348.10'	24°01'12"	N 50°39'07" W	144.87'
C5	49.46'	60.00'	47°13'52"	S 37°32'00" E	48.07'



Prepared For:  
**BOBBY R. HOLTZCLAW, JR.**

Land Lot 33 & 34 Of The 5th Land District  
Fayette County, Georgia

**S.A. GASKINS &  
ASSOCIATES, LLC**

surveyors planners development consultants  
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Job No. 18-087

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 03/02/21

F.W.P.D.: 12/14/20

Revisions	Date
County comments	10/29/21
County comments	12/15/21

PAGE 2 OF 2

**PETITION NUMBER:** RP-079-22

**REQUESTED ACTION:** To revise the Major Final Plat of Platinum Ridge to add 19.3 acres of property from an adjacent tract to Lot 32, an existing 5.09 acre lot.

**ZONING DISTRICT:** A-R

**LOCATION:** 125 Platinum Ridge Pointe

**LAND LOT/DISTRICT:** Land Lot 62 of the 7<sup>th</sup> District

**APPLICANT/AGENT:** Justin M. Brown/Brad C. Barnard

### **INVESTIGATION**

**History:** The Final Plat for Platinum Ridge was recorded on December 16, 2004. The subdivision contains 34 lots. The Revised Final Plat for Platinum Ridge was recorded November 20, 2006. The revision added 30.55 acres, which were de-annexed from Peachtree City, to the existing subdivision to develop three (3) additional lots.

#### **Subdivision Regulations**

##### **Sec. 104-595. - Approval of subdivisions.**

##### **(2) Final plat or minor subdivision plat**

##### **j. Revision to a recorded final plat.**

2. Proposed revisions to a recorded major final plat of any existing residential or agricultural-residential subdivisions which adds property to, increases the number of platted lots, or changes the principal use on a lot shall be considered in public hearings before the planning commission and the board of commissioners and public notification shall comply with Sec. 110-301. - Public notification. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing these requests:
  - (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.

- (ii) *Lot size character.* Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will be smaller than existing lots.
- (iii) *Lot width character.* Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will more be narrow than existing lots.
- (iv) *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.

## **Department Comments**

### **Planning and Zoning**

The factors above are to be used to review these requests:

The request is to add 19.3 acres of property from an adjacent tract to Lot 32, an existing 5.09 acre lot in the subdivision.

*Street character and Lot width character:* Lot 32 is an existing lot in the subdivision and meets the dimension requirements of A-R zoning district per the Final Plat. The addition of the 19.3 acres will not affect the street or lot width characteristics of the proposed lot as the 19.3 acres is to the rear of the existing lot.

*Lot size character:* The A-R zoning district requires a minimum lot size of five (5) acres. Lots in Platinum Ridge range in size from five (5) acres to 11.18 acres. While the lot is substantially larger at 24.38 acres it will not be appear to out of character as viewed from the street given that the 19.3 acres is to the rear of the existing lot (see Concept Plan).

The application includes a letter from the Platinum Ridge HOA supporting the petition.

**Engineering/Public Works**

We have no objections to the combination of these lots.

**Environmental Management Dept.**

We have no issue with this becoming a combined parcel.

**Environmental Health Department**

No objection to the revised plat 12/31/2021.

**Water Department**

FCWS has no objection to the proposed revised final plat. Water availability is provided by a 8" PVC watermain along Platinum Ridge Point.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of this request to revise the Major Final Plat of Platinum Ridge to add 19.3 acres of property from an adjacent tract to Lot 32, an existing 5.09 acre lot.

January 5, 2022

RE: Platinum Ridge HOA Letter of Support

To Whom it May Concern,

Over the dates of 1/4/22 and 1/5/22 the Platinum Ridge Association of Property Owners Board of Directors reviewed and discussed a proposal from Justin and Jessica Brown to combine the 19.35-acre parcel of land directly behind Lot 32 (5.09 acres) on Platinum Ridge Pointe with Lot 32 to make a single lot of 24.44 acres in the Platinum Ridge subdivision.

Justin and Jessica Brown presented the current situation as to why they want to combine the properties. The desired new home placement at the rear of Lot 32 would encroach on the building line setbacks for the 19.35-acre parcel. This would be alleviated if the two properties are combined.

It is understood that the only way to combine the two properties is to gain approval from Fayette County through the public hearing process by requesting this subject property to become part of the Platinum Ridge Subdivision.

The Platinum Ridge Association of Property Owners have offered their unanimous support in favor of gaining county approval as proposed by Justin and Jessica Brown to combine the two lots totaling 24.44 acres, and which shall also adopt the existing recorded Declaration of Restrictions and Protective Covenants.

Respectfully submitted by the Platinum Ridge Association of Property Owners Board of Directors,

Deb Johnson, President

A handwritten signature in black ink, appearing to read "Deb Johnson", with a long horizontal flourish extending to the right.

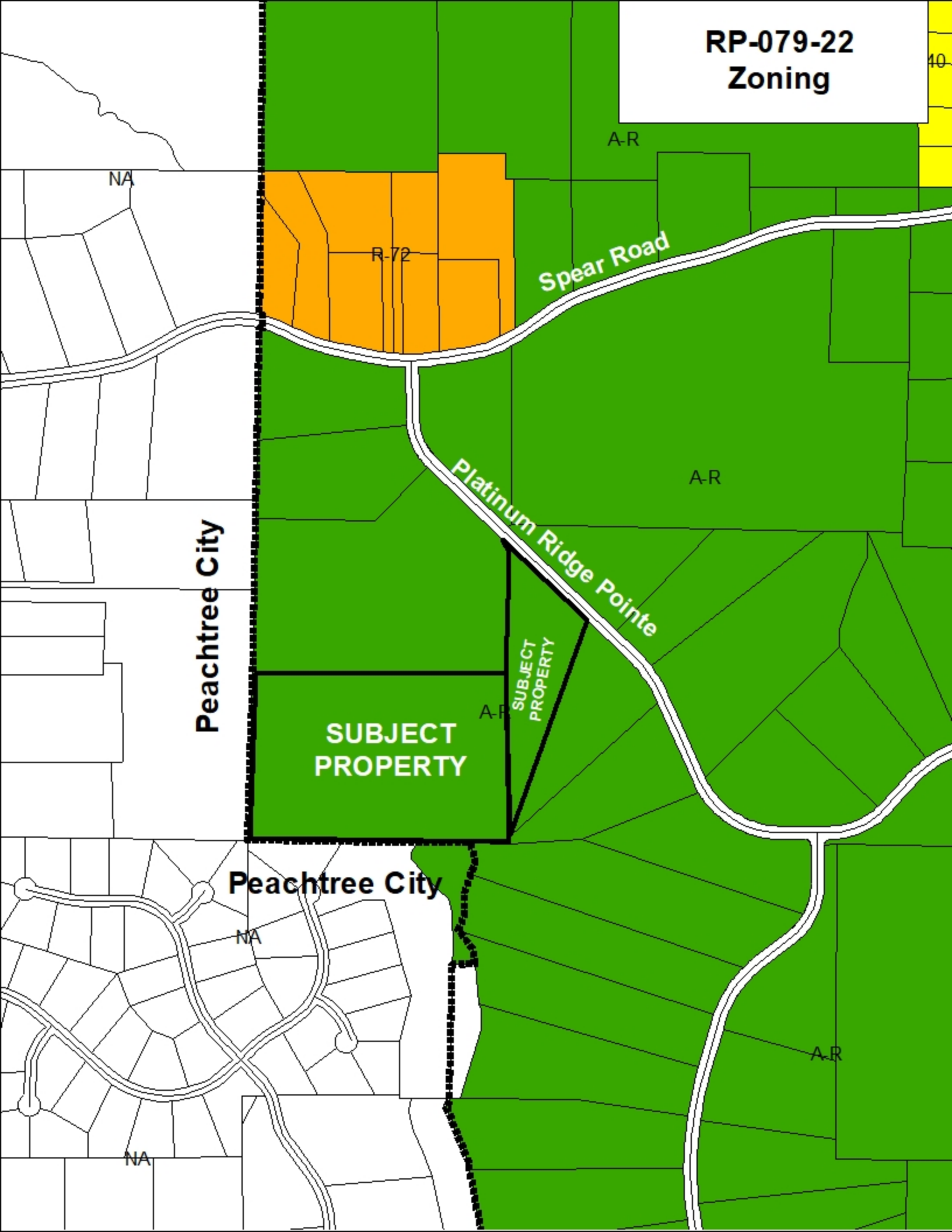
Joe Radest, Treasurer

A handwritten signature in black ink, appearing to read "Joe Radest", with a large, stylized initial "J" and a long horizontal flourish.

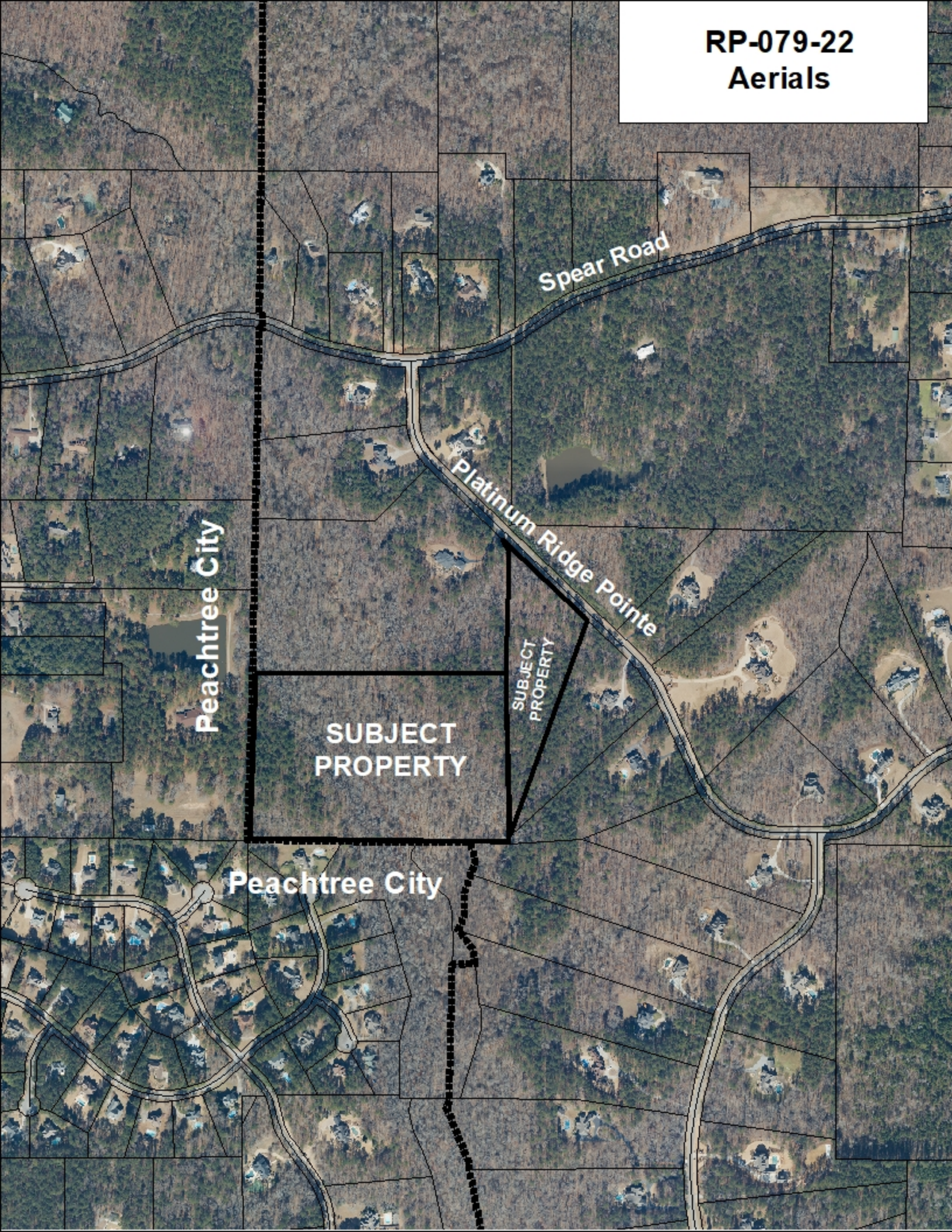
Jennifer Hollett, Secretary

A handwritten signature in black ink, appearing to read "Jennifer Hollett", with a cursive style and a long horizontal flourish.

**RP-079-22  
Zoning**

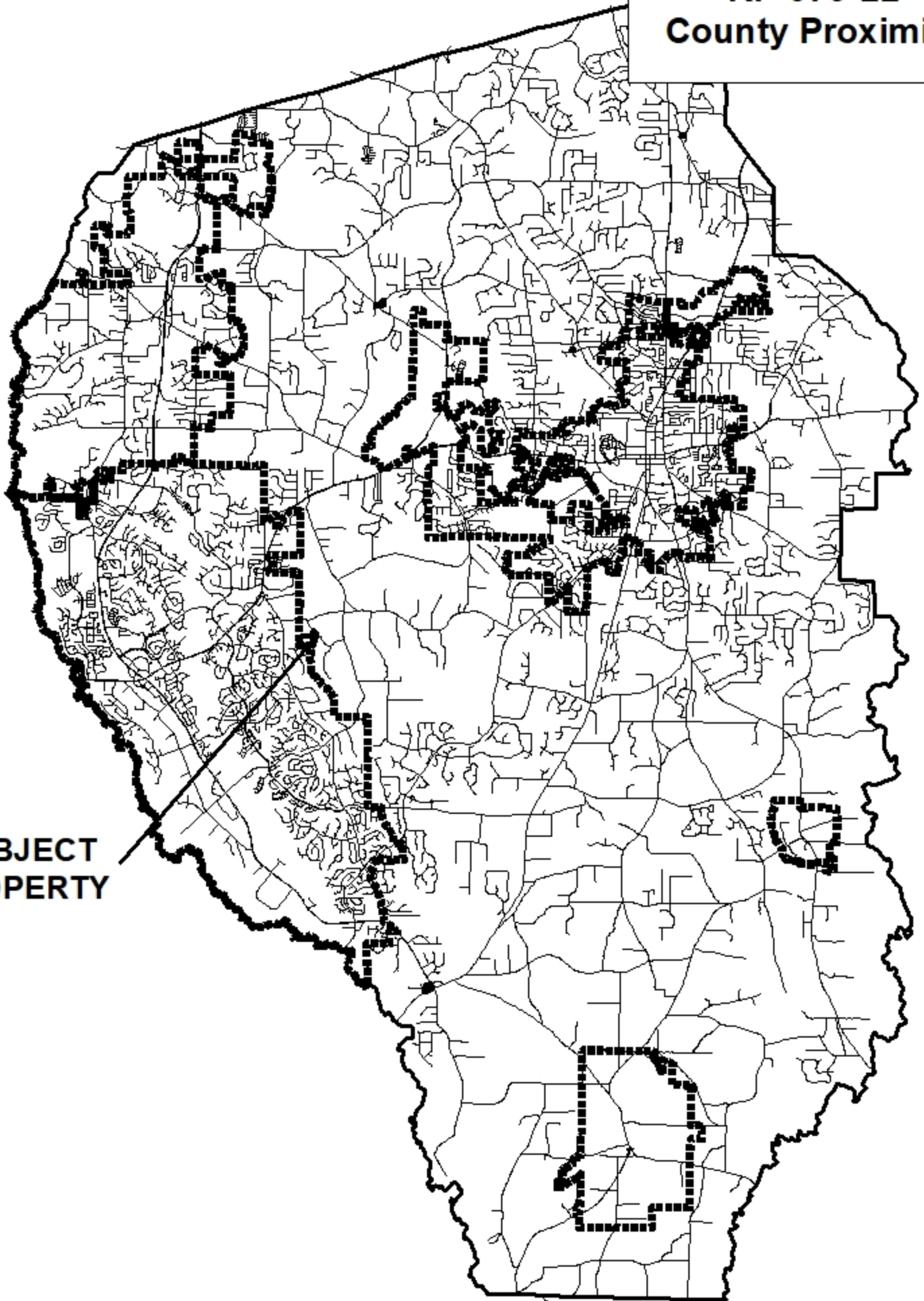


**RP-079-22**  
**Aerials**



**RP-079-22**  
**County Proximity**

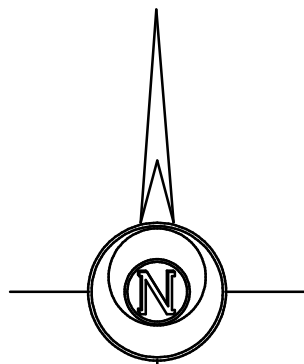
**SUBJECT  
PROPERTY**



NOTES:

1. THIS IS A RETRACEMENT SURVEY AND MINOR REVISION TO A FINAL PLAT AS RECORDED IN DEED BOOK 4592, PAGE 344 AND PLAT BOOK 40, PAGES 94-98 (LOT 32), AND DEED BOOK 4592, PAGES 345-346, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER: JUSTIN M. BROWN PER DEED BOOK 4592, PAGE 344 AND DEED BOOK 4592, PAGES 345-346, FAYETTE COUNTY, GEORGIA RECORDS AS OF 04-10-2017.
3. THIS SURVEY WAS AUTHORIZED BY BRAD BARNARD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. RECORD BEARING APPLIED TO EAST PROPERTY LINE.
6. THERE ARE WETLANDS ON THIS PROPERTY PER FAYETTE COUNTY GIS (QPUBLIC.NET).
7. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.
8. THIS PROPERTY IS NOT IN A GROUNDWATER RECHARGE AREA PER FAYETTE COUNTY GIS (QPUBLIC.NET).
9. EACH PROPERTY HAS A MINIMUM CONTIGUOUS AREA OF 2.0 ACRES THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS, AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
10. NO VISIBLE CEMETERY OR BURIAL GROUNDS WERE OBSERVED ON THIS PROPERTY BY THE SURVEYOR AT THE TIME OF THIS SURVEY.
11. THERE WERE NO STRUCTURES LOCATED ON THIS PROPERTY AT THE TIME OF SURVEY.
12. STATE WATERS SHOWN ON PLAT.
13. WATER TO BE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
14. SEWERAGE TO BE PROVIDED BY ON-SITE SEPTIC SYSTEM.
15. SITE BENCHMARK: MAGNETIC NAIL AS SHOWN. ELEVATION = 876.15 (NAVD 1988)
16. RECORDED EASEMENTS AFFECTING THIS PROPERTY RECOVERED DURING THE COURSE OF THIS SURVEY ARE SHOWN.
17. THIS PROPERTY LIES WITHIN THE 1000' WATERSHED OF CAMP CREEK.
18. CHANNEL OF CREEK APPEARS TO TURN INTO SWAMP WITH UNDEFINED BOARDSERS.

NOTE:  
NO WETLANDS STUDY HAS BEEN DONE BY THIS OFFICE. WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. LAND OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WETLANDS WITHOUT PROPER AUTHORIZATION.



LEGEND

B/L = BUILDING LINE  
D.E. = DRAINAGE EASEMENT  
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY  
FIRM FLOOD INSURANCE RATE MAP  
L.L. = LAND LOT  
M.F.F.E. = MINIMUM FINISH FLOOR ELEVATION  
N/F = NOW OR FORMERLY  
OTP = OPEN TOP PIPE  
P/L = PROPERTY LINE  
P.O.B. = POINT OF BEGINNING  
R/W = RIGHT-OF-WAY  
S/D = SUBDIVISION

N/F  
WENDELL COFFEE  
DEED BOOK 5344, PAGES 515-520  
ZONED: ER

LOT 29  
AVALON PARK  
PLAT BOOK 26, PAGES 13-16  
ZONED: R-43

LOT 28  
AVALON PARK  
PLAT BOOK 26, PAGES 13-16  
ZONED: R-43

LOT 20  
AVALON PARK  
PLAT BOOK 26, PAGES 13-16  
ZONED: R-43

CITY GREENBELT  
PLAT BOOK 26, PAGES 13-16  
ZONED: OS

LOT 28  
PLATINUM RIDGE  
PLAT BOOK 40, PAGES 94-98  
ZONED: A-R

LOT 30  
PLATINUM RIDGE  
PLAT BOOK 40, PAGES 94-98  
ZONED: A-R

LOT 31  
PLATINUM RIDGE  
PLAT BOOK 40, PAGES 94-98  
ZONED: A-R

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	270.00'	32°16' 12"	152.07'	150.07'	78.11'	N 15°45' 11" W

30' PERPETUAL EASEMENT FOR INGRESS/ EGRESS  
DEED BOOK 79, PAGES 161-162  
DEED BOOK 1482, PAGES 477-479  
DEED BOOK 4592, PAGES 345-346

1/2" ALUMINUM  
OPT FOUND  
3.3' +/- WEST  
OF P/L

1/2" ALUMINUM  
OPT FOUND  
3.0' +/- WEST  
OF P/L

1/2" ALUMINUM  
OPT FOUND  
2.9' +/- WEST  
OF P/L

1/2" ALUMINUM  
OPT FOUND  
2.8' +/- WEST  
OF P/L

1/2" REBAR FOUND  
0.8' +/- NORTH  
OF P/L

T-POST FOUND  
0.3' +/- NORTH  
OF P/L

T-POST FOUND  
ON LINE

1/2" REBAR FOUND  
0.5' +/- NORTH  
OF P/L

T-POST FOUND  
ON LINE

1/2" REBAR FOUND  
ON LINE

T-POST FOUND  
ON LINE

1/2" REBAR FOUND  
ON LINE

T-POST FOUND  
ON LINE

1/2" REBAR FOUND  
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1/2" REBAR FOUND  
ON LINE

T-POST FOUND  
ON LINE

1/2" REBAR FOUND  
ON LINE

CONCEPT PLAN

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

IN MY PROFESSIONAL OPINION A PORTION OF THIS PROPERTY DOES LIE WITHIN THE 100 YEAR FLOOD ZONE (ZONE AE) AS SHOWN ON THE FLOOD INSURANCE RATE MAP. MAP NUMBER: 13113C0091E DATED: SEPTEMBER 26, 2008



W.D. Gray and  
Associates, Inc.  
LSF000701

land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE  
GEORGIA 30290  
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

EC & AL

REVISION TO A MAJOR FINAL PLAT  
LOT 32  
PLATINUM RIDGE

PLAT BOOK 40, PAGES 94-98  
THE PURPOSE OF THIS REVISION TO A MAJOR FINAL PLAT IS TO COMBINE LOT 32 PLATINUM RIDGE WITH THE TRACT TO THE WEST RECORDED IN DEED BOOK 4592, PAGES 345-346 INTO ONE LOT

LAND LOT: 62

7th DISTRICT

FAYETTE COUNTY, GA.

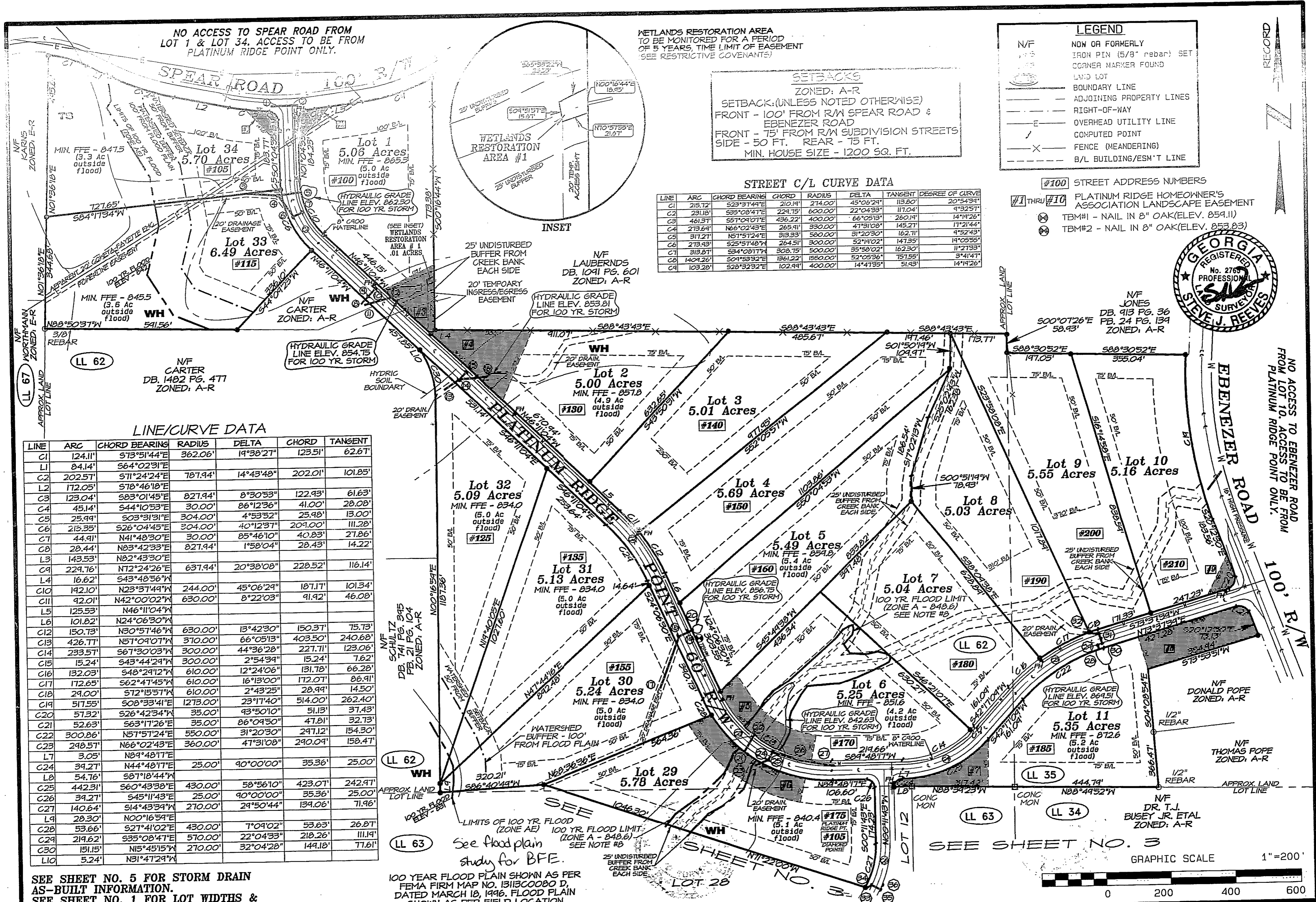
SCALE: 1" = 100'

DATE OF SURVEY: 10-26-21  
THROUGH 10-29-21

DATE OF DRAWING: 12-17-21

REVISED:

JOB NO. 2110015



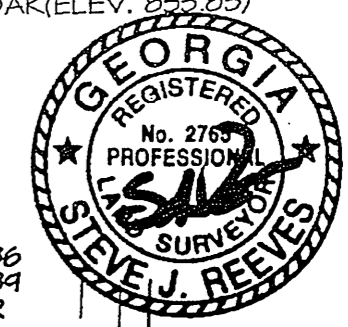
WETLANDS RESTORATION AREA  
TO BE MONITORED FOR A PERIOD  
OF 5 YEARS, TIME LIMIT OF EASEMENT  
(SEE RESTRICTIVE COVENANTS)

**SETBACKS**  
ZONED: A-R  
SETBACK: (UNLESS NOTED OTHERWISE)  
FRONT - 100' FROM R/W SPEAR ROAD &  
EBENEZER ROAD  
SIDE - 75' FROM R/W SUBDIVISION STREETS  
REAR - 50 FT. REAR - 75 FT.  
MIN. HOUSE SIZE - 1200 SQ. FT.

**LEGEND**

N/F	NOW OR FORMERLY
IRON PIN (5/8" REBAR) SET	
CORNER MARKER FOUND	
LAND LOT	
BOUNDARY LINE	
ADJOINING PROPERTY LINES	
RIGHT-OF-WAY	
OVERHEAD UTILITY LINE	
COMPUTED POINT	
FENCE (MEANDERING)	
B/L BUILDING/ESM-T LINE	

#100 STREET ADDRESS NUMBERS  
#1 THRU #10 PLATINUM RIDGE HOMEOWNER'S  
ASSOCIATION LANDSCAPE EASEMENT  
TBM#1 - NAIL IN 8" OAK (ELEV. 859.11)  
TBM#2 - NAIL IN 8" OAK (ELEV. 853.83)



**LINE/CURVE DATA**

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	124.11'	S73°51'44"E	362.06'	19°38'27"	123.51'	62.67'
L1	84.14'	S64°02'31"E				
C2	202.57'	S71°24'24"E	787.44'	14°43'48"	202.01'	101.85'
L2	172.05'	S78°46'18"E				
C3	123.04'	S83°01'45"E	827.44'	8°30'53"	122.93'	61.63'
C4	45.14'	S44°10'53"E	30.00'	86°12'36"	41.00'	28.08'
C5	25.94'	S03°31'31"E	304.00'	4°53'52"	25.98'	13.00'
C6	213.35'	S26°04'45"E	304.00'	40°12'37"	209.00'	111.28'
C7	44.91'	N41°48'30"E	30.00'	85°46'10"	40.83'	27.86'
C8	28.44'	N83°42'33"E	827.44'	1°58'04"	28.43'	14.22'
L3	143.53'	N82°43'30"E				
C9	224.76'	N72°24'26"E	637.44'	20°38'08"	228.52'	116.14'
L4	16.62'	S43°48'56"W				
C10	142.10'	N23°37'49"W	244.00'	45°06'29"	187.17'	101.34'
C11	42.01'	N42°00'02"W	630.00'	8°22'03"	41.92'	46.08'
L5	125.53'	N48°11'04"W				
L6	101.82'	N24°06'30"W				
C12	150.73'	N30°51'46"W	630.00'	13°42'30"	150.37'	75.73'
C13	426.77'	N57°09'07"W	370.00'	66°05'13"	403.50'	240.68'
C14	233.57'	S67°30'03"W	300.00'	44°36'28"	227.71'	123.06'
C15	15.24'	S43°44'24"W	300.00'	2°54'39"	15.24'	7.62'
C16	132.03'	S48°24'12"W	610.00'	12°24'06"	131.78'	66.28'
C17	172.65'	S62°47'45"W	610.00'	16°18'00"	172.07'	86.91'
C18	24.00'	S72°15'57"W	610.00'	2°43'25"	28.99'	14.50'
C19	517.55'	S08°33'41"E	1278.00'	23°17'40"	514.00'	262.40'
C20	57.32'	S26°42'34"W	35.00'	43°50'10"	51.13'	37.43'
C21	52.63'	S63°17'26"E	35.00'	86°04'50"	47.81'	32.73'
C22	300.86'	N57°57'24"E	550.00'	31°20'30"	297.12'	154.30'
C23	248.57'	N66°02'43"E	360.00'	47°31'08"	240.04'	158.47'
L7	3.05'	N89°48'17"E				
C24	39.27'	N44°48'17"E	25.00'	90°00'00"	35.36'	25.00'
L8	54.76'	S87°18'44"W				
C25	442.31'	S60°43'38"E	430.00'	58°56'10"	423.07'	242.97'
C26	39.27'	S45°11'43"E	25.00'	90°00'00"	35.36'	25.00'
C27	140.64'	S14°43'34"W	270.00'	29°50'44"	139.06'	71.96'
L9	28.30'	N00°16'59"E				
C28	53.66'	S27°41'02"E	430.00'	7°04'02"	53.63'	26.87'
C29	219.62'	S35°08'47"E	570.00'	22°04'33"	218.26'	111.91'
C30	151.15'	N15°45'15"W	270.00'	32°04'28"	149.18'	77.61'
L10	5.24'	N31°47'29"W				

SEE SHEET NO. 5 FOR STORM DRAIN  
AS-BUILT INFORMATION.  
SEE SHEET NO. 1 FOR LOT WIDTHS &  
ROAD FRONTAGE FOR EACH LOT

100 YEAR FLOOD PLAIN SHOWN AS PER  
FEMA FIRM MAP NO. 1313C0000 D,  
DATED MARCH 18, 1996. FLOOD PLAIN  
SHOWN AS PER FIELD LOCATION

PREPARED BY:

**s.j. reeves & associates, inc.**

P.O. BOX 1219 \* HIGHWAY 19 N \* ZEBULON, GA. 30295  
770-567-1000 \* 770-567-0066 (FAX)

LAND SURVEYING, PLANNING & SUBDIVISION DESIGN



**FINAL PLAT OF  
PLATINUM RIDGE**

PREPARED FOR:  
PEACHSTATE LAND  
DEVELOPMENT CORP.  
P.O. BOX 629  
FAYETTEVILLE, GA. 30214  
770-460-6318

LANDLOT	DISTRICT
35,62,63	7th
SCALE	COUNTY
1" = 200'	FAYETTE
DATE OF FIELD WORK	
10/03/04	
DATE OF PLAT	
12/01/04	
JOB NO.	SHEET
	2 OF 5

**REQUESTED ACTION:** A-R to C-C

**PROPOSED USE:** Commercial

**EXISTING USE:** Single-Family Residential

**LOCATION:** S.R. 74 South & S.R. 85 South

**DISTRICT/LAND LOT(S):** 6th District, Land Lot 8

**OWNER:** Elaine S. Powers; DARRS, LLC; Estate of Yvonne B. Hammett; Buddy Hand; & Edna Ann Hayes-Edwards

**AGENT:** Richard P. Lindsey

**PLANNING COMMISSION PUBLIC HEARING:** February 3, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** February 24, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to develop a Commercial Retail Center with five (5) retail spaces and six (6) gas pumps on 3.68 acres.

**STAFF RECOMMENDATION**

**DENIAL OF C-C  
APPROVAL OF L-C-1 WITH ONE (1) CONDITION**

## INVESTIGATION

### A. PROPERTY SITE

The subject property is a 3.68 acre tract fronting on S.R. 74 South and S.R. 85 South in Land Lot 8 of the 6<sup>th</sup> District. The subject property consists of five (5) tracts, consisting of a 1.68 acre (Tract A), a 0.09 acre (Tract B), a 0.42 acre (Tract C), a 0.41 acre (Tract D), and a 1.08 acre (Tract E). S.R. 74 South and S.R. 85 South are classified as a Major Arterial roads on the Fayette County Thoroughfare Plan. The subject property contains multiple single-family residences.

### B. SURROUNDING ZONING AND USES

The general situation is a 3.68 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-20. 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	64.5	A-R	Church	Office Rural Residential (1 Unit/ 2 Acres)
South (across S.R. 85 South)	6.82	A-R	Undeveloped	Limited Commercial One
East (across S.R. 74 South)	4.60 0.68	A-R A-R	Church Single-family Residential	Limited Commercial One Limited Commercial One
West	1.6 3.8	R-20 A-R	Single-family Residential Single-family Residential	Office Office

### C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Limited Commercial One and the Starr's Mill Historic District Overlay District. This request does not conform to the Fayette County Comprehensive Plan in terms of the commercial density and the Starr's Mill Historic District Overlay Zone. The Starr's Mill Historic District Overlay Zone states the following:

The goals of the Starr's Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road Intersection are: (1) maintain the historic character of the area, (2) **control the intensity and aesthetic quality of nonresidential development at the intersection as it is the southern gateway into Fayette County**, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.

**Recommendations:** The land use of this area associated with this intersection will be depicted on the Future Land Use Plan and corresponding Overlay Zone requirements for nonresidential development will be added to the Zoning Ordinance. The nonresidential land use designations at this intersection will consist of Limited Commercial One and Office. Some fringe areas will have a residential land use designation of Low Density Residential (1 Unit/1 to 2 Acres). **The C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) are not designated for this area.**

The Limited-Commercial (1) District (L-C-1) zoning district was created specifically for the Starr's Mill Historic District Overlay District. It was adopted in conjunction with the adoption of the Starr's Mill Historic District Overlay District in the Comprehension Plan. The L-C-1 zoning district does not allow a convenience store and has a floor to area ratio of .1 with a total limit of 10,000 square feet with a single building. The Concept Plan indicates 12,375 square feet in a single building. (See attached Limited-Commercial (1) District (L-C-1) zoning district and Community Commercial District (C-C))

#### **D. ZONING/REGULATORY REVIEW**

The applicant seeks to rezone from A-R to C-C for the purpose of developing a Commercial Retail Center. The subject property will be subject to the C-C zoning district regulations and the Starr's Mill Historic District Overlay Zone (see attached).

#### **Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection**

Due to the frontage on State Route 74 and 85, development of the property is subject to the requirements of the Starr's Mill Historic District Overlay Zone. The Overlay Zone requirements are in addition to the C-C 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 including, but not limited to, the following: a 100 foot setback from the right-of-way of SR 74 and SR 85, a 50 foot setback for impervious surfaces from right-of-way of SR 74 and SR 85, and architectural standards for buildings which require a historical character.

#### **Access**

The Concept Plan submitted indicates access from S.R. 74 South and S.R. 85 South.

#### **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, as applicable. It should be noted that the Concept Plan does not show a 50 foot buffer which is required by the C-C zoning district along the northern and western property lines. The buffer will affect the location of the access drives shown on the Concept Plan and they will need to be adjusted to meet the buffer.

## **Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-28., of the Development Regulations, as applicable.

### **E. DEPARTMENTAL COMMENTS**

#### **Water System:**

FCWS has no objection to the proposed rezoning. The conceptual plan correctly shows the watermain - water availability via a 8" DIP watermain along Hwy 85.

#### **Public Works/Environmental Management**

##### **Recommended Conditions of Rezoning:**

1. A letter from the Georgia Environmental Protection Division stating the site is in compliance with the corrective action plan for the dumping of asphalt millings.

##### **County Road Frontage Right of Way Dedication**

SR 85 and SR 74 are **Major Arterial** roadways and the GADOT controls all entrances and exits onto the state route. Any proposed modifications to the site entrances and exits will be permitted through GADOT.

##### **Traffic Data**

According to the GDOT on-line traffic data, the annual average daily traffic for State Route 74 approximately one thousand (1000) feet from the site is **14,000 vehicles per day**; the annual average daily traffic for State Route 85 approximately four hundred (400) feet from the site is **13,100 vehicles per day**; The owner has not submitted traffic data for the proposed development.

##### **Sight Distance**

Minimum sight distances will have to be satisfied for any proposed new road intersections. GDOT will review sight distances.

##### **Floodplain Management**

The 3.68 acre request for rezoning **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0134E dated September 26, 2008. The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.

##### **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 NOT** state waters located on the subject property.

##### **Groundwater**

The property **IS NOT** within a groundwater recharge area.

### **Post Construction Stormwater Management**

This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces. This site will be required to provide Water Quality BMP(s) per the GSWMM for a “Hot Spot” use. Additionally, GDOT approval of the Hydrology will be required prior to issuance of an LDP.

### **Landscape and Tree replacement Plan**

This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances if rezoned, the current site plan does not meet these requirements.

### **Environmental Health Department**

This office has no objection to the proposed rezoning of these 5 parcels. Four parcels appear to have existing septic systems. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction. In addition, these items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

### **Fire**

No Comments required

### **Georgia Department of Transportation**

This concept is approved by GDOT, the applicant should obtain a GDOT encroachment permit for the proposed work within the GDOT right of way and should be made aware of the GDOT requirements.

## STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to C-C for the purpose of developing a Commercial Retail Center. 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 Limited Commercial One and the Starr's Mill Historic District Overlay Zone. This request does not conform to the Fayette County Comprehensive Plan in terms of the commercial density and the Starr's Mill Historic District Overlay Zone. The Starr's Mill Historic District Overlay Zone states the following:

The goals of the Starr's Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road Intersection are: (1) maintain the historic character of the area, **(2) control the intensity and aesthetic quality of nonresidential development at the intersection as it is the southern gateway into Fayette County**, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.

**Recommendations:** The land use of this area associated with this intersection will be depicted on the Future Land Use Plan and corresponding Overlay Zone requirements for nonresidential development will be added to the Zoning Ordinance. The nonresidential land use designations at this intersection will consist of Limited Commercial One and Office. Some fringe areas will have a residential land use designation of Low Density Residential (1 Unit/1 to 2 Acres). **The C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) are not designated for this area.**

The Limited-Commercial (1) District (L-C-1) zoning district was created specifically for the Starr's Mill Historic District Overlay District. It was adopted in conjunction with the adoption of the Starr's Mill Historic District Overlay District in the Comprehension Plan. The L-C-1 zoning district does not allow a convenience store and has a floor to area ratio of .1 with a total limit of 10,000 square feet with a single building. The Concept Plan indicates 12,375 square feet in a single building. (See attached Limited-Commercial (1) District (L-C-1) zoning district and Community Commercial District (C-C))

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. However, approval of this rezoning request could provide encouragement and legal leverage for the rezoning of other properties in the Starr's Mill Historic District Overlay land use area to zoning districts C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) which are not designated for this area.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. The area's recommended land use for the Limited Commercial One zoning district in the Starr's Mill Historic District Overlay do not support the C-C zoning district.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL OF C-C and APPROVAL OF LIMITED-COMMERCIAL (1) DISTRICT (L-C-1) ZONING DISTRICT WITH ONE (1) CONDITION.**

### **RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **L-C-1 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. That a letter from the Georgia Environmental Protection Division stating the site is in compliance with the corrective action plan for the dumping of asphalt millings be submitted to the Department of Environmental Management prior to approval of the Site Plan. (This condition will be enforced by the Public Works/Environmental Management Department.)

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## **Sec. 110-145. L-C-1, Limited-Commercial (1) District.**

- (a) *Intent.* The intent of the L-C-1 zoning district is to establish small scale business areas which do not generate large amounts of traffic, noise or light. The L-C-1 zoning district includes small retail establishments, personal services, and business and professional offices. The L-C-1 zoning district will control architectural character and scale. The adaptive use of existing structures is encouraged when possible.
- (b) *Permitted principal uses.* The following permitted principal uses shall be allowed in the L-C-1 zoning district:
- (1) Antique shop, vintage store, thrift/second hand store, consignment store;
  - (2) Art and/or crafts studio;
  - (3) Bakery;
  - (4) Bank and/or financial institution such as a brokerage firm, credit union, financial planning, or mortgage brokerage (no pay-day loan, check cashing or pawn establishments);
  - (5) Book store;
  - (6) Card, gift, and/or stationery shop;
  - (7) Cellular phone sales and service;
  - (8) Clothing and/or accessories such as belts and suspenders, boots and shoes, gloves, hats, jewelry, purses and handbags, ties, scarves, shawls, socks, and stockings, umbrellas, or watches;
  - (9) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
  - (10) Florist shop;
  - (11) Hardware store;
  - (12) Home furnishings and accessories such as area rugs, decorative items, cutlery, dishware, glassware, lamps, pictures, pillows and tablecloths;
  - (13) Jewelry shop;
  - (14) Mail services store;
  - (15) Medical/dental office (human treatment);
  - (16) Office (business and/or professional);
  - (17) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon; and
  - (18) Restaurant/restaurant takeout and catering.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the L-C-1 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Single-family residence and residential accessory structures and uses (see article III of this chapter); and
  - (2) Home occupation.
- (d) *Regulations.* The following regulations shall apply to the L-C-1 zoning district in addition to any other applicable regulations.

- 
- (1) These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan. Properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone in lieu of the architectural requirements below:
    - a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half inches in one foot and shall be of a type and construction complementary to the façade. A pitched mansard roof façade with a minimum pitch of four and one-half inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof façade shall be of a residential character with the appearance of shingles, slate or terra cotta;
    - b. All buildings shall be constructed in a residential character of fiber-cement siding (e.g., Hardiplank), wood siding, wood-textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
    - c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows;
    - d. Accessory structures shall maintain the same architectural character of the principal structure, including the pitched peaked (gable or hip) roof with a minimum pitch of four and one-half inches in one foot, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan.
  - (2) No outside storage will be permitted.
  - (3) The lot shall have direct access to an arterial street.
  - (4) No drive-through, drive-in, or drive-up facilities allowed.
  - (e) *Dimensional requirements.* The minimum dimensional requirements in the L-C-1 zoning district shall be as follows:
    - (1) Lot area:
      - a. Where public water is available: 43,560 square feet (one acre).
      - b. Where public water is not available: 65,340 square feet (one and one-half acres).
    - (2) Lot width: 125 feet.
    - (3) Front yard setback:
      - a. Major thoroughfare:
        1. Arterial: 75 feet.
        2. Collector: 60 feet.
      - b. Minor thoroughfare: 55 feet.
    - (4) Rear yard setback: 15 feet.
    - (5) Side yard setback: 15 feet.
    - (6) Height limit: 35 feet.

- 
- (7) Floor to area ratio (gross square footage of site times 0.1 equals square footage of structure): The total maximum square footage for all structures combined on the lot shall not exceed 10,000 square feet. However, to discourage the development of one linear building and to encourage the development of separate clustered buildings on the site, the square footage for the structures may be increased by 15 percent when more than one building is developed. The distance between structures shall be a minimum of 26 feet. In addition to the area required to facilitate vehicular access, each building wall bordering the space between structures shall have a five-foot landscaped area consisting of five shrubs, two feet tall at planting, per 25 linear feet of building wall.
- (8) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to such lot line shall be provided in addition to the required setback (the setback shall be measured from the buffer).
- (9) Lot coverage limit, including structure and parking area: 60 percent of the total lot area.

(Code 1992, § 20-6-21; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2016-15, § 2, 7-28-2016; Ord. No. 2018-03, § 13, 9-22-2018)

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**Sec. 110-143. C-C, Community Commercial District.**

- (a) *Description of district.* This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- (b) *Permitted uses.* The following uses shall be permitted in the C-C zoning district:
- (1) Amusement or recreational facility, indoor or outdoor (see chapter 18);
  - (2) Appliance sales and incidental repair;
  - (3) Art studio;
  - (4) Auto parts and/or tire sales and installation;
  - (5) Bakery;
  - (6) Bank and/or financial institution;
  - (7) Banquet hall/event facility;
  - (8) Catering service;
  - (9) Church and/or other place of worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;
  - (10) College and/or university, including classrooms and/or administration only;
  - (11) Copy shop;
  - (12) Cultural facility;
  - (13) Day spa;
  - (14) Department store, variety store, and/or clothing store;
  - (15) Drug store;
  - (16) Educational/instructional/tutoring facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI school, martial arts, music, professional/business/trade, and similar facilities;
  - (17) Electronic sales and incidental repair;
  - (18) Emission testing facility (inside only);
  - (19) Firearm sales and/or gunsmith;
  - (20) Florist;
  - (21) Gift shop;
  - (22) Grocery store;
  - (23) Hardware store;
  - (24) Health club and/or fitness center;
  - (25) Jewelry shop;
  - (26) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
  - (27) Library;
  - (28) Medical/dental office (human treatment);

- 
- (29) Messenger/courier service;
  - (30) Military recruiting office;
  - (31) Movie theatre (excluding drive-in);
  - (32) Museum;
  - (33) Office;
  - (34) Office equipment sales and/or service;
  - (35) Parking garage/lot;
  - (36) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon.
  - (37) Plant nursery, growing crops/garden, and related sales;
  - (38) Printing, graphics, and/or reproductions;
  - (39) Private clubs and/or lodges;
  - (40) Private school, including, classrooms and/or administration only;
  - (41) Radio studio;
  - (42) Recording studio (audio and video);
  - (43) Restaurant, (including drive-in and/or drive-through);
  - (44) Retail establishment;
  - (45) Smoking lounge (subject to state and local tobacco sales and smoking laws);
  - (46) Taxidermist; and
  - (47) Television/movie studio.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-C zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
  - (2) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (3) Automobile service station, including, gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
  - (4) Care home, convalescent center, and/or nursing home;
  - (5) Church and/or other place of worship;
  - (6) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
  - (7) Commercial driving range and related accessories;
  - (8) Child care facility;
  - (9) Dry cleaning plant;
  - (10) Golf course (minimum 18-hole regulation) and related accessories;
  - (11) Home occupation;

- 
- (12) Hospital;
  - (13) Kennel (see animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic);
  - (14) Laundromat, self-service or otherwise;
  - (15) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
  - (16) Religious tent meeting;
  - (17) Seasonal sales, outdoor;
  - (18) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and
  - (19) Temporary tent sales.
  - (20) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-C zoning district shall be as follows:
- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 75 feet.
      - 2. Collector: 70 feet.
    - b. Minor thoroughfare: 65 feet.
  - (4) Rear yard setback: 15 feet.
  - (5) Side yard setback: 15 feet.
  - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
  - (7) Height limit: 35 feet.
  - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
  - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (Code 1992, § 20-6-19; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, § 4, 10-25-2018; Ord. No. 2021-09, § 2, 5-27-2021)

**1316-21  
Parcels**

**SUBJECT  
PROPERTY**

**SR 74**

**1316-21 A**

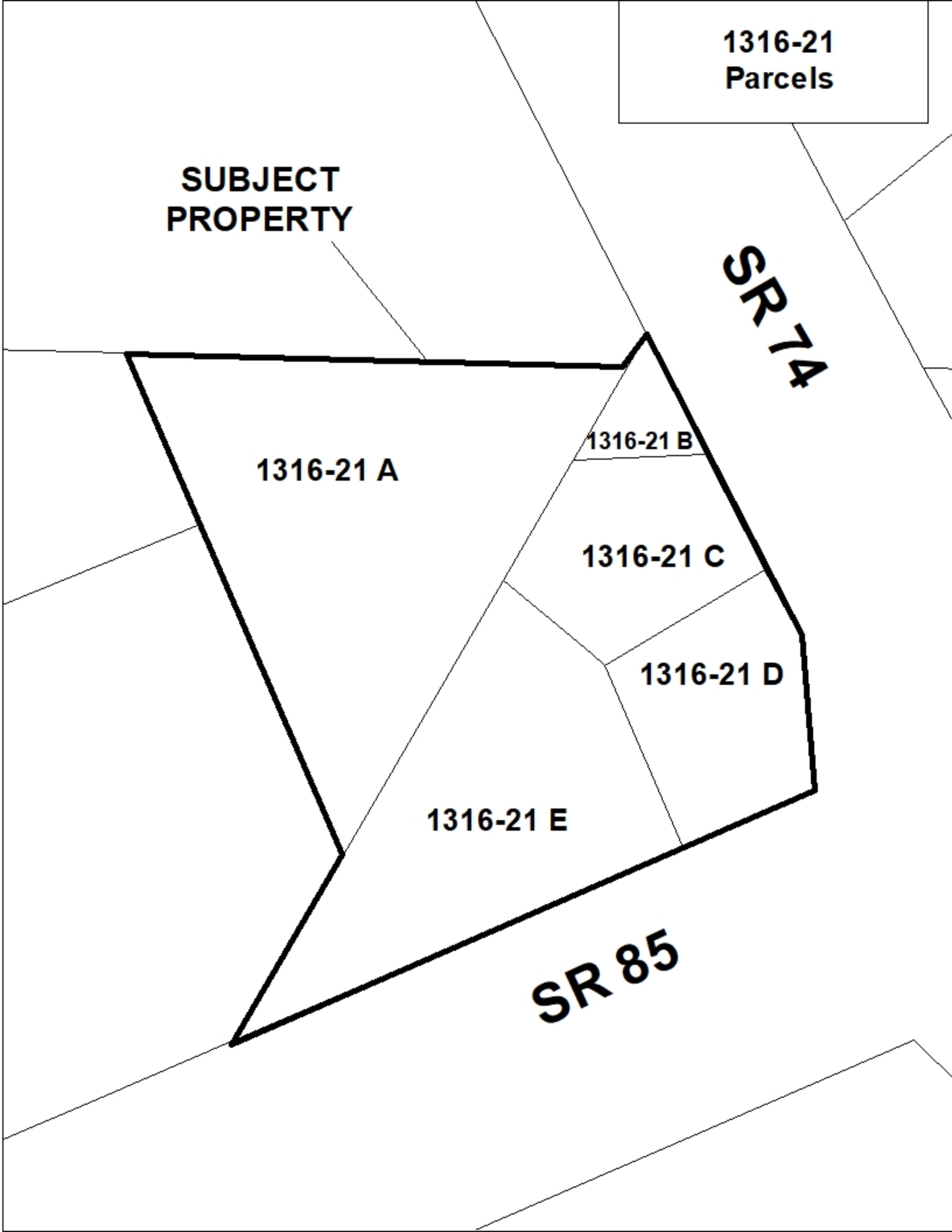
**1316-21 B**

**1316-21 C**

**1316-21 D**

**1316-21 E**

**SR 85**



**1316-21 A-E  
Zoning**



**1316-21 A-E  
Aerials**



**SUBJECT  
PROPERTY**

**SR 85**

**SR 74**

**1316-21 A-E  
Land Use Plan**

Office

Low Density Residential  
1 Unit/1 Acre

Rural Residential - 2  
1 Unit/2 Acres

SR 74

A

B

Limited Commercial One

C

**SUBJECT  
PROPERTY**

D

E

Office

Transportation,  
Communications &  
Utilities

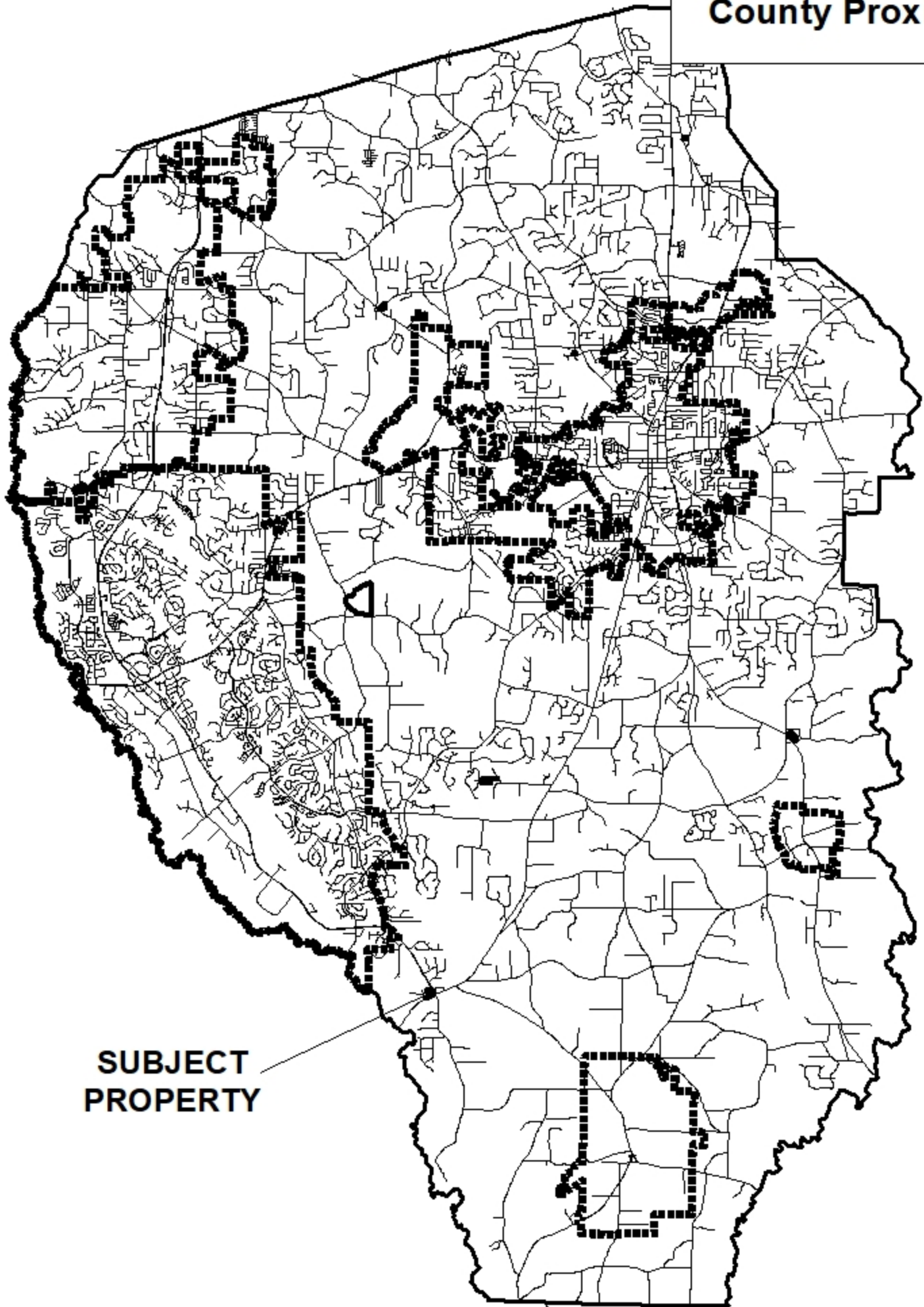
SR 85

Limited Commercial One

Argicultural Residential  
1 Unit/5 Acres

Low Density Residential  
1 Unit/1 Acre

**1316-21 A-E**  
**County Proximity**



**SUBJECT  
PROPERTY**

## LETTER OF INTENT

Mr. and Mrs. Sam (Nadia) Sayani, through their wholly owned company, Samin Property, LLC, seek to rezone the northwest corner of the Hwy 85/Hwy 74 intersection located south of Peachtree City. Mr. and Mrs. Sayani seek a C-C zoning for 3.68+/- acres to develop an attractive neighborhood shopping center containing five tenant spaces, one of which will be a convenience store with three small canopies covering six gasoline pumps. The Sayanis recognize the unique character of this area of our county and plan to construct the property improvements with architectural features and construction materials that complement Starr's Mill and pond located close by.

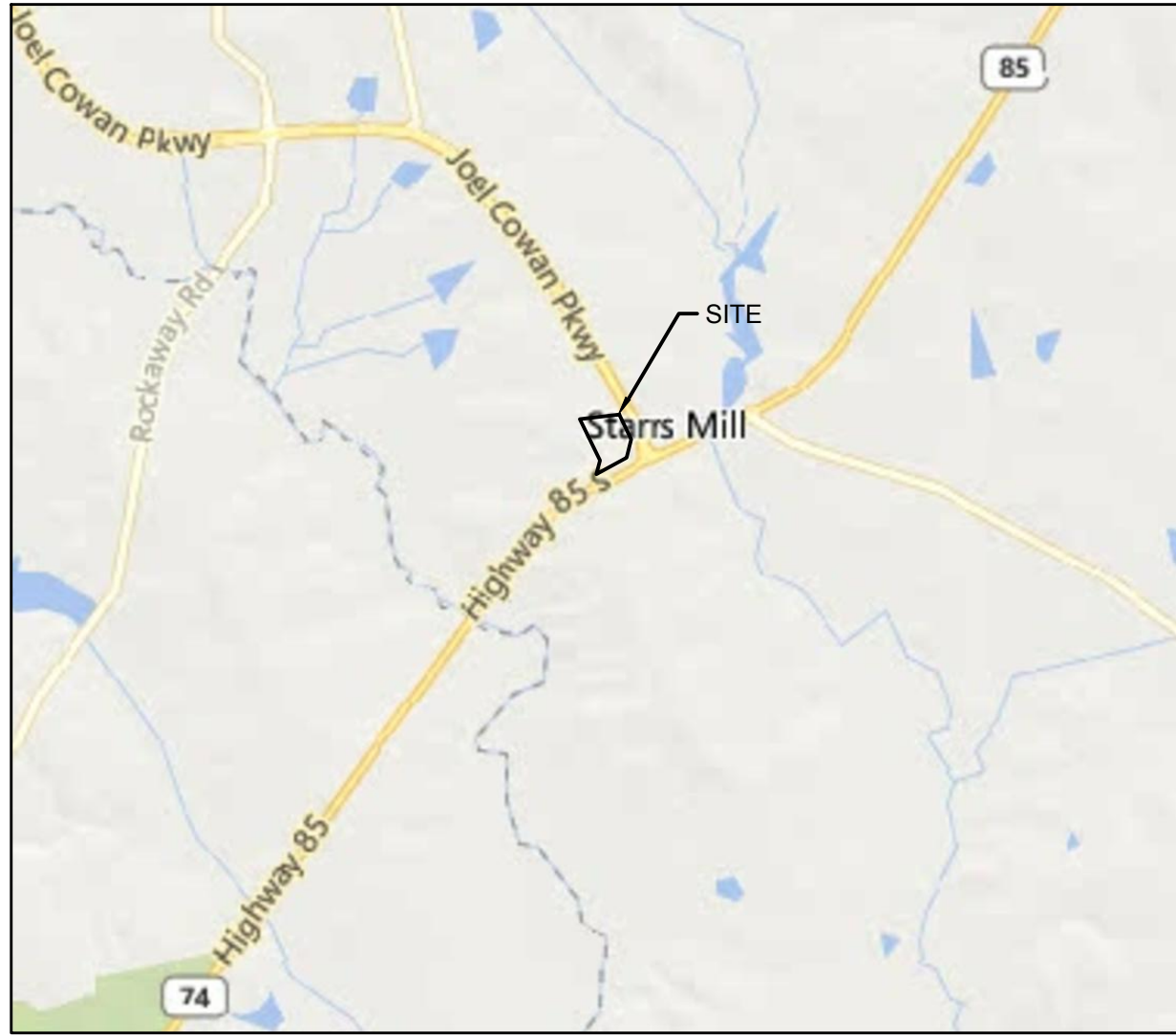
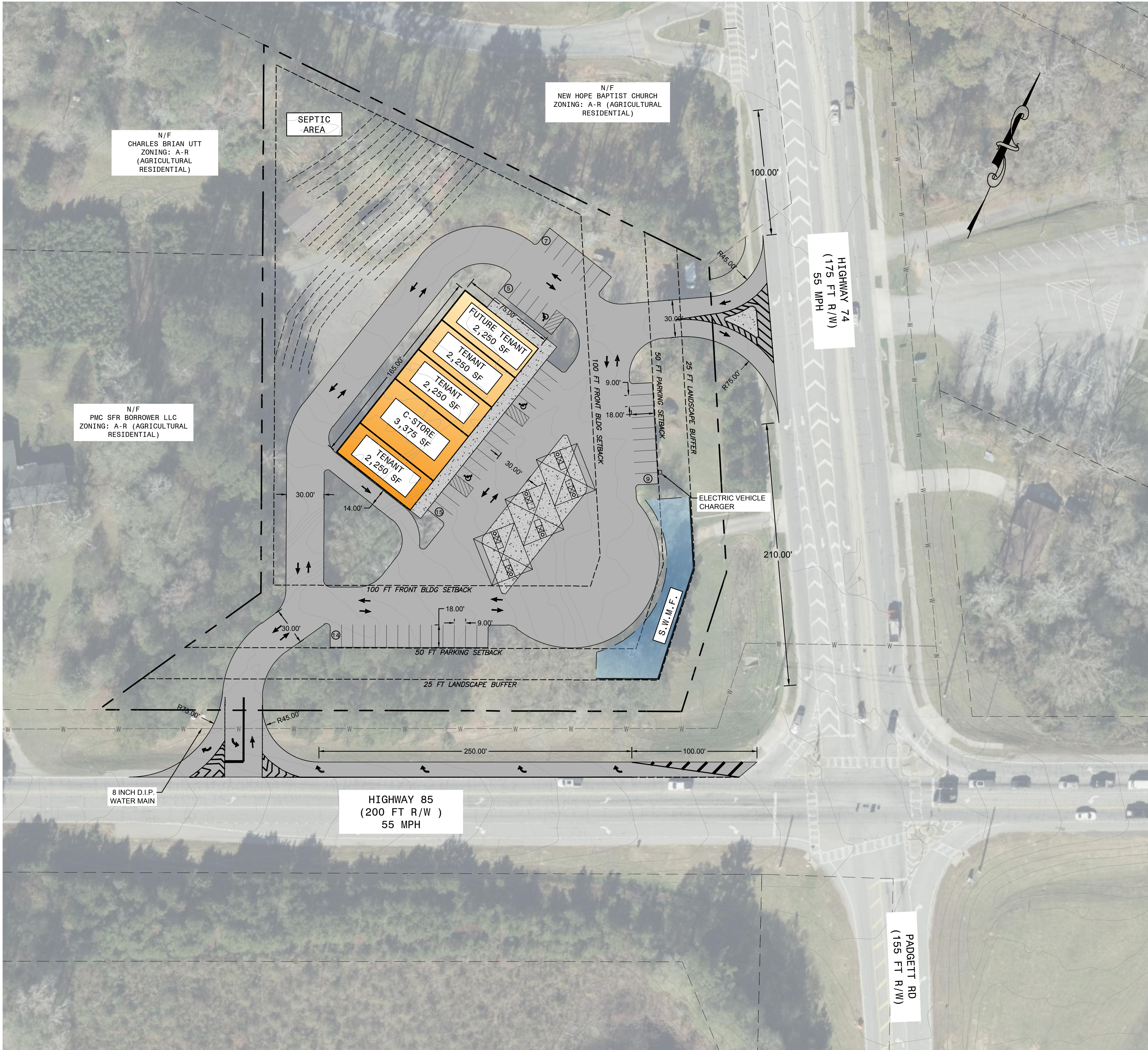
This intersection is busy. Residents from Brooks, the southern end of Fayette County, and those traveling south from Tyrone and Peachtree City – not to mention those who reside in nearby Coweta and Spalding Counties – drive through this intersection every day. The Georgia Department of Transportation has plans to widen Hwy 85 to four lanes. The vehicular traffic makes this property a challenge for residential use. Gone are the days when this intersection was the meeting point of two sleepy country roads. With the development that is taking place in Coweta County just a short distance away, traffic will only increase. The Board of Commissioners recognized that fact when it adopted the 2017 Comprehensive Plan and called for this property to be Limited Commercial One.

As stated above, a short distance from this property lies the iconic Starr's Mill and Starr's Mill Pond. The mill, waterfalls and pond are often photographed and used for the covers of magazines and, brochures, as a back drop for prom dates, weddings, and you name it. Care has to be taken to make any development on this property one that compliments Starr's Mill. Mr. and Mrs. Sayani have hired a team of professionals to do just that. They are working with Jefferson Browne and his company as their architects and Integrated Science as their engineers. Both companies are located in our area and the principals of both live in our area. They are familiar with the pond, the mill, and the importance of both to the people of Fayette County.

The plan before the County is one that takes its lead from Starr's Mill and its history. The architecture of the building will contain elements of a time gone by – just like the mill. Special attention will be taken to select lights and lighting design of many years ago. Brick, stone and masonry will be used on the façade of the building to create the feel that this center was built in a time when life was slower and perhaps a bit easier. The building itself will be small – only 12,375 square feet. The gas canopy will be broken into three sections, all turned at an angle, so that they will blend into the area and not look like gas stations of today but look more like those of a bygone era. The plan calls for only six pumps. The convenience store is located in the middle of the building to avoid the all-glass walls seen on so many such stores today. Included in the plan is a single drive-up window so one space may be used for a doughnut shop, small dry cleaners, pizza parlor, small sandwich shop, etc. With a right in/right out entrance off of Hwy 74, the center will not add to any traffic along that state highway. The full access entrance on Hwy 85 is pulled all the way down the property to provide for adequate distance from the intersection. Finally,

landscaping will be added along both highways and on an interior island to soften the look and to provide a more rural feel.

Mr. and Mrs. Sayani want to bring a small neighborhood center to this area of Fayette County to provide for the needs of the community. Currently, the closest options for residents to pick-up a loaf of bread, a gallon of milk, a pizza, or to get gasoline for their cars are miles and miles away in Peachtree City or in Senoia. The center will fulfill a need for this area of the county. They plan to design and build the improvements so that the retail center honors and celebrates the nearby Starr's Mill. In doing so, people passing by along the two state highways will know they are in a special area of the county. The mill was a commercial center of its day. The new retail development will be a small community center built in a fashion to reflect a time gone by but providing the conveniences needed today.



- SITE PLAN NOTES:**
- OWNER / DEVELOPER:  
**SAMIN PROPERTY LLC**  
319 ARCHWAY LANE  
PEACHTREE CITY, GA 30269  
CONTACT: SAMIRALI SAYANI  
PHONE: 404-680-8604
  - ARCHITECT:  
**JEFFERSON BROWNE GRESHAM ARCHITECTS, INC.**  
150 HUDDLESTON ROAD  
PEACHTREE CITY, GA 30269  
CONTACT: JEFFERSON BROWN  
PHONE: (770) 632-9545
  - ENGINEER / SURVEYOR:  
**INTEGRATED SCIENCE & ENGINEERING, INC.**  
1039 SULLIVAN ROAD, SUITE 200  
NEWNAN, GA 30265  
CONTACT: JASON WALLS, P.E.  
PHONE: 678-552-2106
  - SITE DATA:  
PARCEL: 1589 HIGHWAY 74 SOUTH, SENOIA, GA  
TAX PARCEL ID NUMBER: 0604 006, 0604 017, 0604 018, 0604 027, 0604 030  
CURRENT ZONING: A-R (AGRICULTURAL-RESIDENTIAL DISTRICT)  
PROPOSED ZONING: L-C-1 (LIMITED COMMERCIAL)  
USE: RETAIL (SERVICE STATION WITH CONVENIENCE STORE AND RETAIL)  
THIS PROPERTY LIES WITHIN THE STARR'S MILL HISTORIC DISTRICT OVERLAY ZONE
  - SITE AREA: 3.68 ACRES
  - SETBACKS:  
FRONT: 100 FEET (BUILDING), 50 FEET (PARKING)  
SIDE: 10 FEET (BUILDING)  
REAR: 10 FEET (BUILDING)
  - BUFFERS:  
HWY 74 - 25 FOOT TREE SAVE AND LANDSCAPE BUFFER  
HWY 85 - 25 FOOT TREE SAVE AND LANDSCAPE BUFFER
  - BUILDING AREA: 12,375 SF RETAIL (GENERAL)
  - PARKING SUMMARY:  
- GENERAL RETAIL (12,375 SF) @ 1 SPACE PER 300 SF = 42 SPACES  
  
TOTAL REQUIRED PARKING = 42 SPACES  
  
TOTAL PROVIDED PARKING = 50 SPACES  
(INCLUDING 3 ADA SPACES)
  - BOUNDARY SURVEY COMPLETED BY INTEGRATED SCIENCE AND ENGINEERING ON NOVEMBER 29, 2021.
  - NO PORTIONS OF THIS PROPERTY LIE WITHIN A FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #13113C0134E DATED SEPTEMBER 26, 2008.
  - WETLANDS AND STATE WATERS ARE NOT PRESENT ON SITE, OR WITHIN 200 FEET OF THE PROPOSED DEVELOPMENT.
  - UTILITIES: WATER SERVICES PROVIDED BY THE FAYETTE COUNTY WATER SYSTEM VIA 8 INCH DIP WATER MAIN ALONG THE NORTH SIDE OF HWY 85. SEWER WILL BE HANDLED VIA ON SITE SEPTIC TANK AND DRAIN FIELD.
  - STORMWATER MANAGEMENT NARRATIVE: STORMWATER MANAGEMENT WILL BE PROVIDED ON SITE WITH AN ABOVE GROUND DRY EXTENDED DETENTION POND WITH AN INFILTRATION BMP IN THE BOTTOM TO TREAT THE REQUIRED RUNOFF REDUCTION VOLUME.
  - ALL EXISTING STRUCTURES ON-SITE TO BE REMOVED AS PART OF THIS DEVELOPMENT.

Date	Rev.	Description
12/1/21	1	Initial Design
1/25/22	2	Design Review
1/25/22	3	Final Design
1/25/22	4	Final Design
1/25/22	5	Final Design
1/25/22	6	Final Design
1/25/22	7	Final Design
1/25/22	8	Final Design
1/25/22	9	Final Design
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1/25/22	98	Final Design
1/25/22	99	Final Design
1/25/22	100	Final Design

SITE DEVELOPMENT PLANS  
FOR  
SOUTH 74 PROPERTY  
SAMIN PROPERTY, LLC

LAND LOT 8 OF THE 6TH DISTRICT, FAYETTE COUNTY, GEORGIA

CONCEPTUAL SITE  
PLAN

DRAWING NO.  
C200





























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

**PROPERTY OWNERS:** See attached.

**MAILING ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**AGENT FOR OWNERS:** Richard P. Lindsey

**MAILING ADDRESS:** 200 Westpark Drive, Suite 280, Peachtree City, GA 30269

**PHONE:** (770) 486-8445 **E-MAIL:** rick@lptc.com

**PROPERTY LOCATION:** LAND LOT 8 LAND DISTRICT 6th PARCEL \_\_\_\_\_  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

**TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED:** 3.68 (currently in five tracts)

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

**ZONING OF SURROUNDING PROPERTIES:** A-R & R-20

**PRESENT USE OF SUBJECT PROPERTY:** Residential

**PROPOSED USE OF SUBJECT PROPERTY:** Small shopping center with 5 retail spaces & 6 gas pumps

**LAND USE PLAN DESIGNATION:** Limited Commercial One

**NAME AND TYPE OF ACCESS ROAD:** Hwy 74 and Hwy 85

**LOCATION OF NEAREST WATER LINE:** On property

**(THIS AREA TO BE COMPLETED BY STAFF):** PETITION NUMBER: 1316-21 A-E

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: 12/22/2021

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: 12/22/2021 Date: [Signature]

**DATE OF PLANNING COMMISSION HEARING:** February 3, 2022

**DATE OF COUNTY COMMISSIONERS HEARING:** February 24, 2022

Received from Richard P. Lindsey a check in the amount of \$ 250.00 for application filing fee, and \$ 120.00 for deposit on frame for public hearing sign(s).

Date Paid: 12/22/2021 Receipt Number: 013377

PROPERTY OWNERS:

Elaine S. Powers  
258 Matthews Road  
Fayetteville, GA 30215

DARRS, LLC  
599 Bernhard Road  
Fayetteville, GA 30215

Estate of Yvonne B. Hammett  
Shamikka M. Gibson (f/k/a) Shamikka Miche Hammett  
PO Box 1002  
Red Oak, GA 30272

Buddy Hand  
Laverne Hand Starr  
27 Matthews Street  
Senoia, GA 30276

Edna Ann Hayes-Edwards  
3025 Richard Drive  
Whiting, NJ 08759

NAME: Richard P. Lindsey PETITION NUMBER: \_\_\_\_\_

ADDRESS: 200 Westpark Drive, Suite 280, Peachtree City, GA 30269

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

Richard P. Lindsey affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) A-R 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 C-C.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or

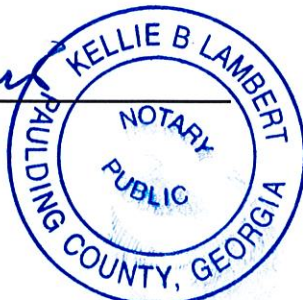
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 7:00 P.M.

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20<sup>th</sup> DAY OF December, 2021.

NOTARY PUBLIC



APPLICANT'S SIGNATURE

*[Handwritten Signature]*

**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:

Powers, Elaine  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604-030

(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) 8 of the 6th 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 Richard P. Lindsey 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.

Elaine Powers  
Signature of Property Owner 1  
258 MATTHEWS RD  
FAYETTEVILLE, GA 30215  
Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Belle E. Blanton  
Signature of Notary Public  
comm exp 5/25/26  
11/29/2021  
Date

Signature of Notary Public

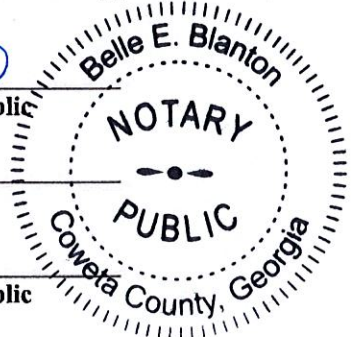
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



**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:

Narrs, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604-018

(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) 8 of the 6th 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 Richard P. Lindsey 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.

Richy Benson  
Signature of Property Owner 1

206 Wynnmont Pkwy  
Address

Dec GA 30269  
Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Jana L. Lord  
Signature of Notary Public

30 November 2021  
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



**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:

Yvonne B. Hammett Estate, Shamika M. Gibson  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604-006

(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) 8 of the 6th 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 Richard P. Lindsey 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.

Shamika M. Gibson  
Signature of Property Owner 1

5790 VILLAGE LOOP  
Address FAIRBURN, GA 30213

\_\_\_\_\_  
Signature of Property Owner 2

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Property Owner 3

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Address

Latoria Marks  
Signature of Notary Public

11/30/2021  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date



**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:

Hand, Buddy ; Starr, Laverne Hand  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604-027

(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) 8 of the 6th 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 Richard P. Lindsey 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]  
Signature of Property Owner 1  
16522 Crabtree Drive  
Address Jonesboro GA 30238  
Buddy Hand  
Signature of Property Owner 2  
37 Matthew St Senoia GA 30276  
Address

[Signature]  
Signature of Notary Public  
30 November 2021  
Date  
[Signature]  
Signature of Notary Public  
30 November 2021  
Date



\_\_\_\_\_  
Signature of Property Owner 3

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

**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:

Hayes - Edwards, Edna Ann

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604 - 017

(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) 8 of the 6th 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.

Edna Ann Hayes-Edwards  
Signature of Property Owner 1

Address \_\_\_\_\_

Danitra Edwards  
Signature of Notary Public

November 30, 2021  
Date

Signature of Property Owner 2

Address \_\_\_\_\_

Signature of Notary Public

Date \_\_\_\_\_

Signature of Property Owner 3

Address \_\_\_\_\_

Signature of Notary Public

Date \_\_\_\_\_

Signature of Authorized Agent

Address \_\_\_\_\_

Signature of Notary Public

Date \_\_\_\_\_


**DANITRA N. EDWARDS**  
Notary Public, State of New Jersey  
Commission # 50043617  
My Commission Expires 8/16/2026

## 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/](http://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 20<sup>th</sup> day of December, 20 21.

  
\_\_\_\_\_  
APPLICANT'S SIGNATURE

## DISCLOSURE STATEMENT

Please check one:

Campaign contributions - ☒ No ☐ Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

**REQUESTED ACTION:** C-H Conditional to C-H

**PROPOSED USE:** Commercial

**EXISTING USE:** Undeveloped

**LOCATION:** S.R. 85 South

**DISTRICT/LAND LOT(S):** 5th District, Land Lot(s) 69 & 70

**OWNER:** Kenneth L. Ennis

**AGENT:** Jahnee Prince

**PLANNING COMMISSION PUBLIC HEARING:** February 3, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** February 24, 2022

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**APPLICANT'S INTENT**

Applicant proposes to amend Condition(s) 1-4 to develop a self-storage facility.

**STAFF RECOMMENDATION**

**APPROVAL WITH TWO (2) CONDITIONS**

## INVESTIGATION

### A. PROPERTY SITE

The subject property is a 10.00 acre tract fronting on S.R. 85 South in Land Lots 69 and 70 of the 5<sup>th</sup> District. S.R. 85 South is classified as a Major Arterial road on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned C-H Conditional.

**Rezoning History:** Rezoning Petition 655-87 for C-H zoning was approved by the Board of Commissioners on December 10, 1987, with the following conditions:

1. That the use of the subject property shall be limited to office, retail trade, and personal service uses.
2. To provide an undisturbed buffer measuring at least 50 feet in depth along the south side property line.
3. To provide and maintain off-street parking on the property during any construction project.
4. That exterior illuminating sources shall not be directly visible from adjoining street properties.

### B. SURROUNDING ZONING AND USES

The general situation is a 10.00 acre tract that is zoned C-H Conditional. In the vicinity of the subject property is land which is zoned C-H, A-R and R-40 (City of Fayetteville). 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	1.9	C-H	Undeveloped	Commercial
South	1.65	C-H	Undeveloped	Commercial
East (across SR 85)	6.10 2.02	A-R	Single-family Residential Undeveloped	Commercial
West (City of Fayetteville)	Green-space	R-40	Single-family Residential	Low Density Single-family (City of Fayetteville)

### C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Commercial and Low Density Residential (1 Unit/ 1 Acre). The majority of the subject property is in the Commercial designation and the entire parcel has been zoned C-H since 1987. This request conforms to the Fayette County Comprehensive Plan.

## **D. ZONING/REGULATORY REVIEW**

The applicant seeks to rezone from C-H Conditional to C-H for the purpose of developing a self-storage facility. The applicant was in the Site Plan process when the staff discovered the existing conditions of the rezoning from 1987.

### **Prior Conditions of Rezoning**

As indicated under History above, the prior rezoning petition has conditions that are applicable to the subject property. It is the intent of this rezoning petition to eliminate these conditions. The existing conditions with Staff comments are as follows:

- 1. That the use of the subject property shall be limited to office, retail trade, and personal service uses.** (It is Staff's opinion that a condition limiting the uses on the subject property is unnecessary. Conditions limiting uses were routinely put in place in the past, but Staff has since stopped the practice. Any permitted or conditional uses in the C-H zoning district would be appropriate in this designated commercial area.)
- 2. To provide an undisturbed buffer measuring at least 50 feet in depth along the south side property line.** (At the time of rezoning in 1987, the parcel to the south was zoned A-R. The C-H zoning district required a 30 foot buffer at that time and it was increased to 50 feet. The property to the south is now also zoned C-H and does not require a buffer. It is Staff's opinion that the condition is unnecessary.)
- 3. To provide and maintain off-street parking on the subject property during the construction period.** (It is Staff's opinion that a condition to provide and maintain off-street parking on the subject property during the construction period is unnecessary. This site is on SR 85 and controlled by GDOT. As part of the GDOT permit, it is stated that parking in the right-of-way is not allowed.)
- 4. That exterior illuminating sources shall not be directly visible from adjoining street properties.** (It is Staff's opinion that a condition controlling outdoor lighting is unnecessary. The subject property is in the General State Route Overlay which states:
  - h. Lighting and shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.)

### **State Route Overlay**

Due to the frontage on SR 85 South, 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 C-H zoning district requirements. Overlay Zone requirements including, but not limited to, the following: a 100 foot setback from the right-of-way of SR 85 South, a 50 foot setback for impervious surfaces from right-of-way of SR 85 South and architectural standards.

### **Access**

The Concept Plan submitted indicates one (1) access from S.R. 85 South.

## **Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 14-28 of the Development Regulations, as applicable.

### **E. DEPARTMENTAL COMMENTS**

#### **Water System**

FCWS has no objection to the rezoning. Water availability is provided by a 8" PVC water main.

#### **Public Works/Environmental Management**

##### **Recommended Conditions of Rezoning:**

1. The plan indicates that the overhead power (OHP) line that bisects the site will be relocated to the north side of the site. The perimeter landscape strip should be located outside the OHP easement.
2. Development shall provide an integrated style of Stormwater management. Techniques should be used to create water quality/ runoff reduction facilities that can be used as green spaces within the new and existing development. *(This condition will be administered by Public Works/Environmental Management.)*

#### **County Road Frontage Right of Way Dedication**

GA Hwy 85 is a **Major Arterial** roadway and the GADOT controls all entrances and exits onto the state route. Any proposed modifications to the site entrances and exits will be permitted through GADOT.

#### **Traffic Data**

According to the GDOT on-line traffic data, the annual average daily traffic for State Route 85 approximately one (1) mile from the site is **12,000 vehicles per day**. The owner has not submitted traffic data for the proposed future addition however the uniform rezoning of the existing tract without modification proposes a negligible effect on existing traffic patterns to Hwy 85.

#### **Sight Distance**

Minimum sight distances will have to be satisfied for any proposed new road intersections. GADOT will review sight distances.

#### **Floodplain Management**

The 10.0 acre request for rezoning **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0113E dated September 26, 2008. However, the property **DOES** contain additional floodplain delineated in the FC 2013 Current Conditions Flood Study and the plans should reflect this.

#### **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** state waters located adjacent to the subject property and **WILL BE** subject to the Fayette County Watershed Protection Ordinance. EMD staff determined that the stream on the adjacent parcel (#05171019) is a perennial stream. This location is in the Whitewater Creek Protected Watershed. Therefore, the plans should reflect that there is a 100' buffer plus a 50' setback, to be measured from point of wrested vegetation or BFE.

### **Groundwater**

The property **IS NOT** within a groundwater recharge area.

### **Post Construction Stormwater Management**

This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces. The development should provide an accessible shoulder on detention ponds for maintenance (see Bldg. E).

### **Environmental Health Department**

This office has no objection to the proposed rezoning of this parcel. For any parcels that have existing septic systems, this office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction. In addition, these items must be submitted with the initial application for a new commercial septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

### **Georgia Department of Transportation**

This proposed development is acceptable to GDOT, the applicant should be made aware that a GDOT encroachment permit will have to be obtained to be permitted to do work within the GDOT right of way.

### **STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from C-H Conditional to C-H for the purpose of developing Commercial. 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 Commercial and Low Density Residential (1 Unit/ 1 Acre). The majority of the subject property is in the Commercial designation and the entire parcel has been zoned C-H since 1987. 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 non-residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH TWO (2) CONDITIONS.**

### **RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **C-H 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 plan indicates that the overhead power (OHP) line that bisects the site will be relocated to the north side of the site. The perimeter landscape strip should be located outside the OHP easement. (This condition will be administered by Public Works/Environmental Management.)
2. Development shall provide an integrated style of Stormwater management. Techniques should be used to create water quality/ runoff reduction facilities that can be used as green spaces within the new and existing development. (This condition will be administered by Public Works/Environmental Management.)

**Jahnee Prince**  
**Associated Professional**  
t: 678.690.5750  
f: 404.869.6972  
jahneeprince@parkerpoe.com

Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

January 7, 2022

**VIA EMAIL ONLY**

Ms. Chanelle Blaine, Zoning Administrator  
Fayette County  
Stonewall Administrative Complex  
140 Stonewall Avenue, West  
Suite 202  
Fayetteville, Georgia 30214

Re: Rezoning Application ("**Application**") by Kenneth L. Ennis ("**Applicant**" or "**Owner**")  
with respect to 10 acres located on Highway 85 South, Tax Parcel Number 05 17  
113 (the "**Property**")

**LETTER OF INTENT**

Dear Chanelle:

This law firm has the pleasure of representing CK Spacemax, LLC or its assignee ("**Developer**"), which is under contract to acquire the Property from Owner. Owner has designated me as agent for purposes of this Application. On behalf of Owner and Developer, we respectfully submit for consideration the Application seeking a rezoning of the Property from the CH Conditional to CH, without conditions, to allow for the development of the Property with a self-storage facility which would be currently allowed under the CH zoning (and to remove out of date prohibitive conditions).

**The Property -- Background and Existing Zoning**

The Property, PIN 05 17 113, is 10 acres in size and is located on the west side of Highway 85 South, south of Price Road. The Property is currently undeveloped. If this Application is approved, Developer will acquire the Property from Owner and develop the Property with a self-storage facility.

The existing zoning for the Property is CH Conditional. The Property's current zoning took place in 1987 (*see attached Resolution 87-655*). At the time of the 1987 rezoning application, the plan for the Property was a shopping center. The Board of Commissioners approved the request for rezoning to CH but added four conditions to the zoning based on the limited provisions of the 1980 Fayette County Zoning Ordinance. Those conditions were:

1. That the use of the subject property shall be limited to office, retail trade, and personal service uses.

2. To provide an undisturbed buffer measuring at least fifty (50) feet in depth along the south (side) property line.
3. To provide and maintain off-street parking on the property during any construction project.
4. That exterior illuminating sources shall not be directly visible from adjoining street properties.

The Property is designated as Commercial on Fayette County's Comprehensive Plan Future Land Use Map. The Application for CH zoning, eliminating the outdated conditions, is consistent with the City's Comprehensive Plan Future Land Use Map.

### **Proposed Rezoning**

Applicant is requesting the rezoning of the Property to delete the outdated conditions and bring the rezoning to the current CH zoning provisions in order to allow Developer to build a self-storage facility as is allowed by The Zoning Ordinance of Fayette County, Georgia, as amended from time to time (the "**Ordinance**") in Article V – Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, Section qq. The Ordinance allows self-storage facilities with external and/or internal access in G-B, M-1 and C-H zoning districts with eight detailed conditions, set forth below, for development embedded into the ordinance, negating the need for additional conditions to be placed on the CH zoning:

1. Single story self-storage buildings may have exterior access to the individual storage units. This exterior access shall not directly face a street. Multistory self-storage buildings shall not have direct exterior access to individual storage units; all individual storage unit access shall be internal. A vehicle loading/unloading area utilizing a bay door and/or a loading dock shall only be located on the side or rear of the multistory self-storage building not facing a street. A vehicle loading/unloading area utilizing a bay door and/or a loading dock located on the side of the multistory self-storage building shall require a canopy covering the loading/unloading area.
2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone architectural requirements shall control when applicable.
3. The maximum size of an individual storage unit shall be 600 square feet.
4. The facility may contain one on-site single-family dwelling unit.
5. Aisle ways adjacent to storage unit bays doors shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
6. No open outside storage of items, other than vehicles, boats, recreational vehicles and trailers, shall be allowed. Open storage of vehicles, boats, recreational vehicles and trailers, shall be located to the rear of the self-storage buildings. Covered vehicle storage structures shall be allowed provided they do not exceed

25 percent of the overall gross square footage of all storage buildings and shall maintain a similar architectural character of the principal self-storage buildings.

7. All outdoor lighting shall be shielded away from adjacent residential areas.
8. No exterior loudspeakers or paging equipment shall be permitted on the site.

Developer's proposed self-storage facility, being located on Highway 85 South, is also subject to the standards of Ordinance Section 110-173. - Transportation Corridor Overlay Zone, which includes strict detailed architectural standards, increased setbacks, and extensive landscaping requirements. The Application is consistent with the Comprehensive Plan Future Land Use Map designation of Commercial. The Comprehensive Plan's Future Land Use Element calls for Commercial uses along Highway 85 South of Fayetteville to the northern boundary of Land Lots 59 and 60 of the 5th District which is approximately 318 feet south of the Property's southernmost property line.

### **Application Requirements<sup>1</sup>**

As Developer has been working with the County on this project and during site development plan review, the 1987 conditions of zoning were discovered. This Application is to modernize the zoning of the Property in keeping with the current Ordinance. The Application and supporting documents meet the Ordinance requirements for a rezoning application and include:

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<sup>1</sup> Applicant notifies Fayette County of its constitutional concerns with respect to its Application. If the Fayette County Board of Commissioners (the "**Board**") denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than CH (or fails to remove the prohibitive conditions) without Applicant's consent, or if the Board limits its approval by attaching new conditions to its rezoning approval without Applicant's consent, then such approval would deprive Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Ordinance allows such an action by the Board, the Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Board's discretion in considering or deciding applications for rezonings. Nevertheless, Applicant remains optimistic that the Board's consideration of the Application will be conducted in a constitutional manner.

1. Application form and all required attachments completed, signed, and notarized, as applicable.
2. Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
3. Boundary Survey, drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor. The Boundary Survey and Concept Plan may be combined.
4. Conceptual Plan. The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey, however it is required to be drawn to scale, and include all applicable items below:
  - a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
  - b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
  - c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
  - d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
  - e. Minimum zoning setbacks and buffers, as applicable.
  - f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
  - g. Location and dimensions of exits/entrances to the subject property.
  - h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
  - i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
5. This letter of intent for a non-residential rezoning request, including the proposed use(s).

Ms. Chanelle Blaine  
Fayette County  
January 6, 2022  
Page 5

Applicant and Developer respectfully request that the Planning and Zoning Department recommend approval of the Application to the Planning Commission and the Board of Commissioners. We are happy to answer any questions County may have with regard to this Application.

Sincerely,

A handwritten signature in blue ink, reading "Jahnee Prince". The signature is fluid and cursive, with the first name "Jahnee" and the last name "Prince" clearly visible.

Jahnee Prince, AICP  
Associated Professional

JP/jp/ews

cc: Mr. Kenneth L. Ennis  
Mr. Chris Poholek  
Ellen W. Smith, Esq.

1317-22  
Zoning

NA

Fayetteville

CH

SUBJECT  
PROPERTY

SR 85

SL

SL

A-R

R-50

A-R

**1317-22  
Land Use Plan**

*Fayetteville*

**SUBJECT  
PROPERTY**

Commercial

**SR 85**

Low Density Residential  
1 Unit 1 Acre

1317-22  
Aerials

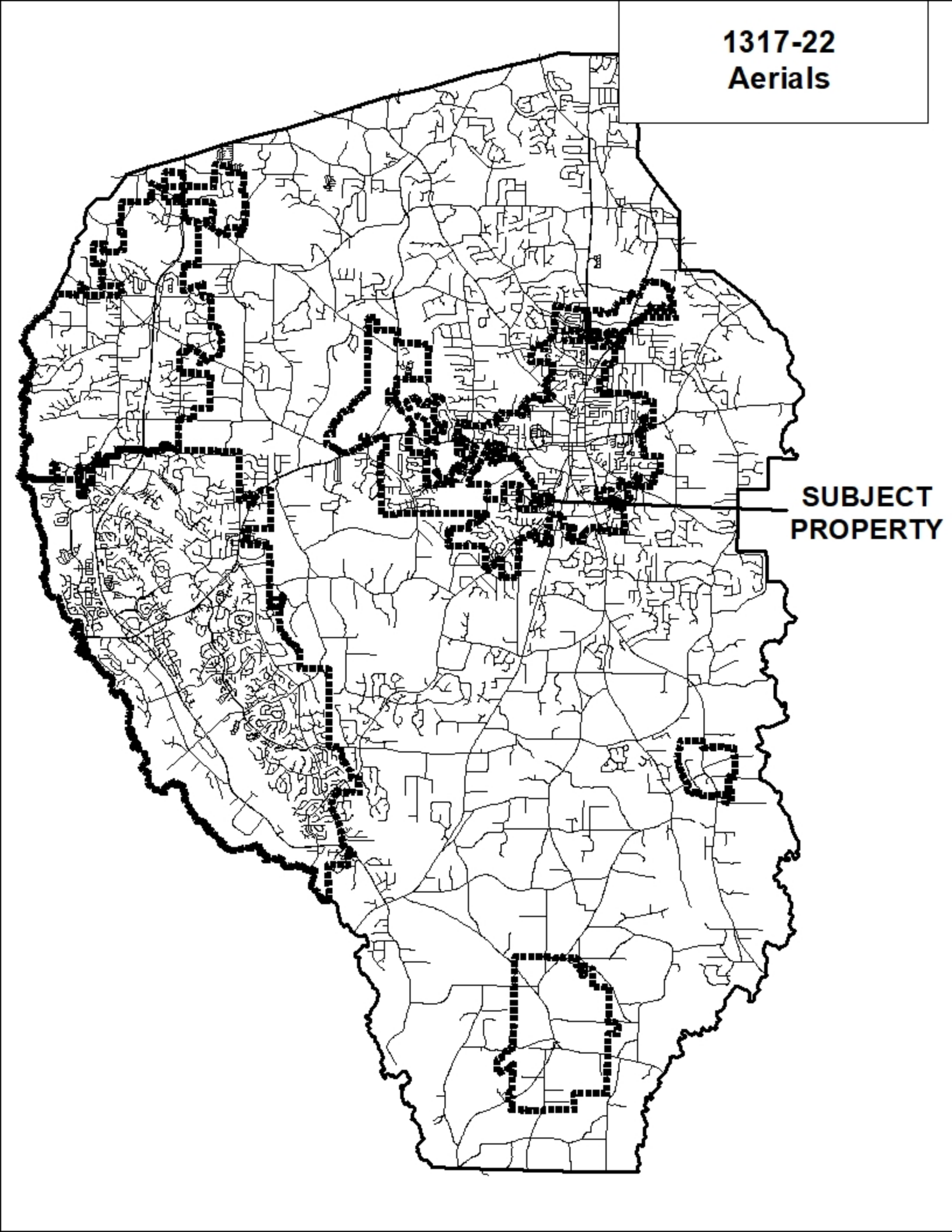
Fayetteville

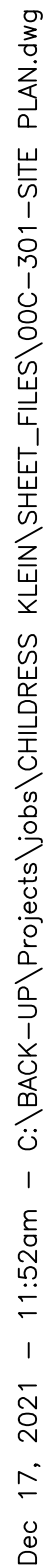
SUBJECT  
PROPERTY

SR 85

**1317-22**  
**Aerials**

**SUBJECT  
PROPERTY**





- GENERAL SITE DATA:

- SURVEY AND FLOOD NOTE:

**PARKING SITE DATA:**

PARKING SPACE CALCULATIONS:  
REQUIRED PARKING: 1,040 UNITS @ 1 SPACE  
PER EVERY 75 UNITS = 14 SPACES  
REQUIRED;

4 EMPLOYEES @ 1 SPACE PER EMPLOYEE =  
4 SPACES REQUIRED;

CUSTOMER PARKING = 2 SPACES REQUIRED;

TOTAL PARKING SPACES REQUIRED = 20  
SPACES

TOTAL  
PARKING SPACES PROVIDED = 22 SPACES  
(INCLUDES 1 H.C. SPACE)

TOTAL IMPERVIOUS SURFACES THIS SITE 5.91  
AC. (59.1% OF SITE TOTAL)

NOTE:  
REFER TO ARCHITECTURAL PLANS FOR  
BUILDING DIMENSIONS.

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

PROPERTY OWNERS: Kenneth L. Ennis

MAILING ADDRESS: 239 Price Road, Brooks GA 30205

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: Jahnee Prince, AICP

MAILING ADDRESS: 1075 Peachtree Street, Suite 1500, Atlanta GA 30309

PHONE: 770-355-4658 E-MAIL: jahneeprince@parkerpoe.com

PROPERTY LOCATION: LAND LOT 69 LAND DISTRICT 5 PARCEL 0517113  
LAND LOT 70 LAND DISTRICT 5 PARCEL 0517113

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 10

EXISTING ZONING DISTRICT: CH conditional PROPOSED ZONING DISTRICT: CH

ZONING OF SURROUNDING PROPERTIES: CH, Sz, AR, and R-40 (City of Fayetteville)

PRESENT USE OF SUBJECT PROPERTY: Undeveloped

PROPOSED USE OF SUBJECT PROPERTY: Self storage

LAND USE PLAN DESIGNATION: Commercial

NAME AND TYPE OF ACCESS ROAD: Highway 85 South, Arterial


LOCATION OF NEAREST WATER LINE: Please reference submitted site development plans

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1317-22

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff:  Date: 1/4/2022

DATE OF PLANNING COMMISSION HEARING: Feb. 3 2022

DATE OF COUNTY COMMISSIONERS HEARING: Feb 24 2022

Received from Mitchell Taylor a check in the amount of \$ 350.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s). 370.00

Date Paid: 1/6/2022 Receipt Number: 013467

**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:

Kenneth L. Ennis

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0517113

(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) 69 of the 5th District, and (if applicable to more than one land district) Land Lot(s) 70 of the 5th District, and said property consists of a total of 10 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Jahnee Prince 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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Property Owner 2

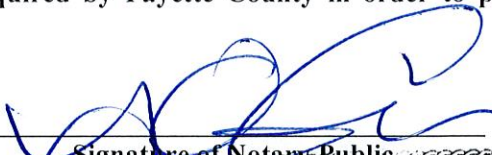
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Address

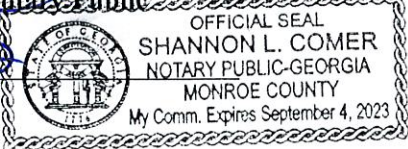
\_\_\_\_\_  
Signature of Property Owner 3

\_\_\_\_\_  
Address

  
\_\_\_\_\_  
Signature of Authorized Agent

1075 Peachtree Street, Suite 1500, Atlanta GA 30309  
\_\_\_\_\_  
Address

  
\_\_\_\_\_  
Signature of Notary Public  
01/06/22  
Date




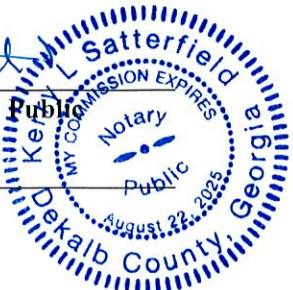
\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Notary Public  
1/6/2022  
Date



NAME: Kenneth L. Ennis PETITION NUMBER: \_\_\_\_\_

ADDRESS: 239 Price Road, Brooks GA 30205

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

Kenneth L. Ennis affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) CH conditional Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 350.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CH.

This property includes: (check one of the following)

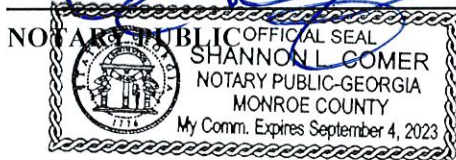
☒ See attached legal description on recorded deed for subject property or

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 3rd day of February, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 24th day of February, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 6th DAY OF January, 2022,



\_\_\_\_\_  
APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Kenneth L. Ennis, 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 6th day of January, 2022.

Kenneth L. Ennis

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Shannon L. Comer  
NOTARY PUBLIC



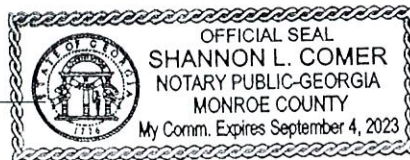
## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://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 6th day of January, 2022.

  
APPLICANT'S SIGNATURE



## DISCLOSURE STATEMENT

Please check one:

Campaign contributions -   X   No        Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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



Doc ID: 008544520004 Type: WD  
Recorded: 03/28/2011 at 10:25:00 AM  
Fee Amt: \$66.00 Page 1 of 4  
Transfer Tax: \$50.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

BK **3743** PG **487-490**

[Space Above This Line For Recording]

STATE OF GEORGIA

COUNTY OF Cobb

Return to **58752:09**

**Trinity Title Ins. Agency**

**437 E. Ponce De Leon Ave.**

**Decatur, GA 30030-1938**

After recording, return to:

McQuinn Woods LLP

1170 Peachtree Street, N.E., Suite 2100

Atlanta, Georgia 30309

Attention: Josiah A. Bancroft, Esq.

### LIMITED WARRANTY DEED

THIS INDENTURE, is made as of the 23 day of March, 2011, by and between **UNITED COMMUNITY BANK**, as party of the first part ("Grantor"), and **FSC BP III FAYETTEVILLE LLC**, a Georgia limited liability company, as party of the second part ("Grantee"); the words "Grantor" and "Grantee" to include the heirs, successors, legal representatives and assigns of said parties where the context requires or permits.

### WITNESSETH:

**FOR AND IN CONSIDERATION** of the sum of TEN AND NO/100 DOLLARS (\$10.00), in hand paid to Grantor by Grantee at and before execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, its successors and assigns, all that tract or parcel of land lying and being in Fayette County, Georgia, and being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Land"), together with all improvements located thereon and all rights and appurtenances thereto in anywise belonging to Grantor, including but not limited to, all rights, titles and interests, if any, of Grantor in (a) any land lying in or under the bed of any highway, avenue, street, road, alley, open or proposed, in, on, across, abutting or adjacent to the Land, and (b) all rights, titles and interests of Grantor, if any, in and to any awards made, or to be made in lieu thereof, for damage by reason of change in grade of any such highway, avenue, street, road or alley (all of said Land, property and interests being collectively referred to herein as the "Property."), subject to the matters set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

## **EXHIBIT "A"**

### Legal Description

All that tract or parcel of land lying and being in Land Lots 69 and 70 of the 5th District of Fayette County, Georgia, containing 10.00 acres of land, as per plat dated 7/13/2004, prepared by Bostwick, Duke, Harper & Worthy, Inc. for HWG, LLLP, and being more particularly described as follows:

To find the True Point of Beginning, commence at the intersection of the Easterly Land Lot Line of Land Lot 69 (also being the Westerly Land Lot Line of Land Lot 70) with the Westerly right-of-way of Georgia State Route 85 (130 foot right of way); running thence in a northeasterly direction along the westerly right of way of Georgia State Route 85 a distance of 284.01 feet to a point and the True Point of Beginning. From said True Point of Beginning, running thence North 75 degrees 14 minutes 55 seconds West, and entering into Land Lot 69, a distance of 574.99 feet to a point; running thence North 14 degrees 46 minutes 28 seconds East a distance of 758.72 feet to a point; running thence South 75 degrees 00 minutes 39 seconds East a distance of 574.99 feet to a point, which point is located on the westerly right of way of Georgia State route 85; running thence South 14 degrees 46 minutes 27 seconds West a distance of 756.33 feet to a point and the True Point of Beginning.

Please return to:  
O'Kelley & Sorohan, Attorneys at Law, LLC  
2170 Satellite Blvd., Ste. 375  
Duluth, GA 30097  
Attn: Bradley S. Shilling  
L006301

Doc ID: 009485380002 Type: WD  
Recorded: 10/17/2014 at 10:20:00 AM  
Fee Amt: \$177.00 Page 1 of 2  
Transfer Tax: \$165.00  
Faster Tax: Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4244 Pg 497-498

STATE OF *Georgia*  
COUNTY OF *DeKalb*

### LIMITED WARRANTY DEED

THIS INDENTURE made as of this 26<sup>th</sup> day of SEPTEMBER, 2014, between

**FSC BP III FAYETTEVILLE, LLC,**  
A Georgia limited liability company

as party or parties of the first part, hereinafter called Grantor, and

**KENNETH L. ENNIS**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See Exhibit "A"

TO HAVE AND TO HOLD the said tract or parcel of land, subject to exceptions of record, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

**FSC BP III FAYETTEVILLE, LLC,**  
A Georgia limited liability company

*[Signature]*  
Witness

*[Signature]* (Seal)  
BY: ANTHONY CRISCIONE  
ITS: AUTHORIZED SIGNATORY

*[Signature]*  
Notary Public  
My commission expires


TO HAVE AND TO HOLD the said tract or parcel of land, subject to exceptions of record, with all and singula the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property in the said Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

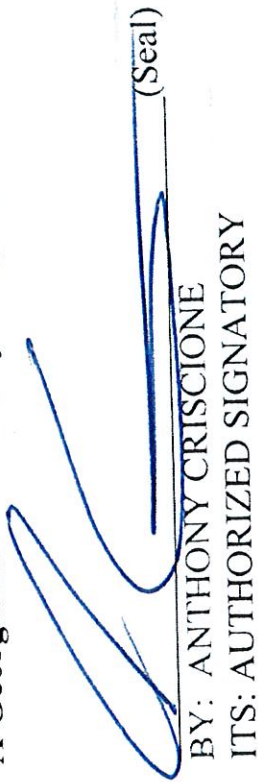
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

  
Witness

  
Notary Public  
My commission expires

**FSC BP III FAYETTEVILLE, LLC,**  
**A Georgia limited liability company**

  
BY: ANTHONY CRISCIONE  
ITS: AUTHORIZED SIGNATORY (Seal)

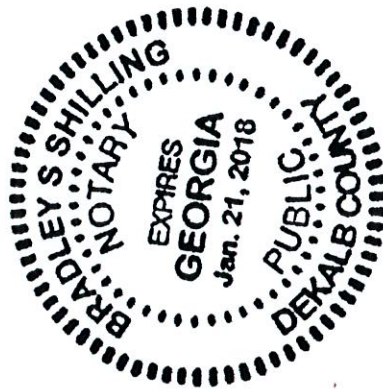
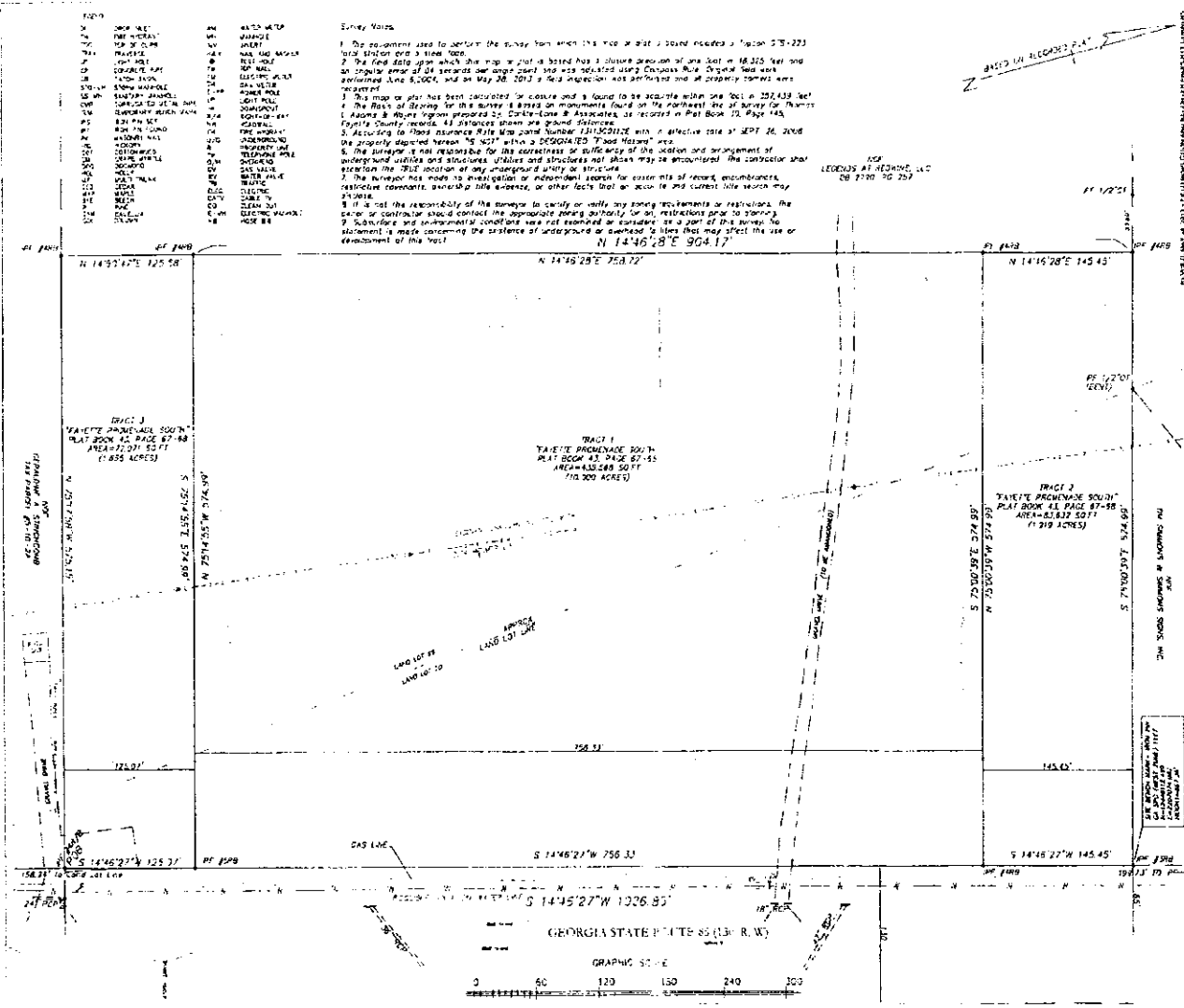


Exhibit A  
Legal Description

All that tract or parcel of land lying and being in Land Lots 69 and 70 of the 5<sup>th</sup> District, Fayette County, Georgia, containing 10.00 acres of land, as per plat dated 7/13/2004, prepared by Bostwick, Duke, Harper & Worthy, Inc., for HWG, LLLP, and being more particularly described as follows:

To find the true point of beginning, commence at the intersection of the easterly land lot line of Land Lot 69 (also being the westerly land lot line of Land Lot 70) with the westerly right of way of Georgia State Route 85 (130 foot right of way); running thence in a northeasterly direction along the westerly right of way of Georgia State Route 85 a distance of 284.01 feet to a point and the true point of beginning; from said true point of beginning, running thence north 75 degrees 14 minutes 55 seconds west and entering into Land Lot 69, a distance of 574.99 feet to a point; running thence north 14 degrees 46 minutes 28 seconds east a distance of 758.72 feet to a point; running thence south 75 degrees 00 minutes 39 seconds east a distance of 574.99 feet to a point, which point is located on the westerly right of way of Georgia State Route 85; running thence south 14 degrees 46 minutes 27 seconds west a distance of 756.33 feet to a point and the true point of beginning.



BOUNDARY SURVEY OF  
**Fayette Promenade South**  
LAND LOT 69 & 70  
DISTRICT 5  
FAYETTE COUNTY, GEORGIA

SCALE: 1"=60' (AS SHOWN)  
DATE: 04/19/20  
JOB NO: 0401

DRAWN BY: FCB

BOSTWICK, DUKE, JARPER & WORTHY, INC.  
LAND SURVEYING  
2770 ROUNDABOUT EAST  
ROSWELL, GEORGIA 30075  
770-553-0804

**Survey Notes**

1. The equipment used to perform the survey from which this map is based is listed in Section 2.5.1.223 of the Georgia Code.

2. The field data upon which this map is based has a closure precision of one foot in 10,000 feet and an angular error of one second per angle. The map was prepared using the Gauss-Krüger projection and was prepared on May 26, 2013. A field inspection was performed and all property corners were located.

3. This map or plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

4. The Basis of Survey for this survey is based on monuments found on the northeast line of survey for Tracts 1, 2, and 3. The monuments were prepared by Clarke & Co. & Associates, as recorded in Plat Book 43, Page 67-68, Fayette County records. All distances shown are ground distances.

5. According to "Road Insurance Rate Manual Number 131/200122" with a effective date of 01/01/2008, the property depicted herein "is not" within a "DESIGNATED 'Road Hazard'" area.

6. The surveyor is not responsible for the correctness or sufficiency of the location and arrangement of underground utilities and structures. Utilities and structures not shown may be encountered. The contractor shall verify the location of any underground utility or structure.

7. The surveyor has made no investigation or independent search for existence of record, encumbrances, restrictive covenants, easements, or other facts that are accurate and current. The surveyor may be liable.

8. It is not the responsibility of the surveyor to comply with any zoning requirements or restrictions. The owner or contractor should contact the appropriate zoning authority for any restrictions prior to zoning.

9. Subsurface and environmental conditions were not examined or surveyed as a part of this survey. No statement is made concerning the existence of underground or surface features that may affect the use or development of this tract.

N 14°46'27"W 756.33'