

BOARD MEMBERS

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

STAFF

Chanelle Blaine, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
June 2, 2022
7:00 pm

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


1. Consideration of the Minutes of the meeting held on May 19, 2022.

NEW BUSINESS

2. Consideration of a Minor Final Plat for Aenchbacher Property. This property consists of two (2) lots zoned A-R, is located in Land Lot 198 of the 4th District and fronts on Old Greenville Road.

PUBLIC HEARING

3. Consideration of Petition No. 1319-22 Ann Kimbell, Owner, and David Weinstein, Agent, request to rezone 10.651 acres from O-I to M-1 for a Multi-Tenant Light Industrial Facility. This property is located in Land Lot 216 of the 5th District and front(s) on S.R. 85 and Carnes Drive.

To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator 
Date: May 24, 2022
Subject: Minor Final Plat to be considered on June 2, 2022

MINOR FINAL PLAT

OWNER/APPLICANT

Minor Final Plat for Aenchbacher Property

Andrew Aenchbacher

Recommend **APPROVAL** for the Minor Final Plat signed June 2, 2022.

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT



GENERAL NOTES:

1. OWNER/DEVELOPER:

ANDREW AENCHBACHER
734 OLD GREENVILLE ROAD
FAYETTEVILLE, GA 30215
404-858-4837

andrew.aenchbacher@outlook.com
MARVIN WILLIAMS JR.
487 SNEAD ROAD
FAYETTEVILLE, GA 30215
770-231-4279

2. SURVEYOR:

GASKINS & ASSOCIATES, LLC
981 CAMPGROUND ROAD
GRIFFIN, GA 30223
678-618-5067

sagaskins@bellsouth.net

3. TOTAL NUMBER OF LOTS: 2

TOTAL ACREAGE: 16.858 ACRES

MINIMUM DIMENSIONAL ZONING REQUIREMENTS:

ZONING DISTRICT: A-R

MINIMUM LOT WIDTH AT BUILDING LINE = 250'

MINIMUM LOT SIZE = 5 ACRES (217,800 S.F.)

FRONT YARD SETBACK = 75' (MINOR)

100' (COLLECTOR)

100' (ARTERIAL)

SIDE YARD SETBACK = 50'

REAR YARD SETBACK = 75'

MINIMUM HOUSE SIZE = 1,200 S.F.

4. SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.

5. WATER TO BE PROVIDED BY AN ON-SITE WELL.

6. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP,
MAINTENANCE, RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR
OVERALL DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.

7. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY

RESTRICTION SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

8. THERE IS NO GROUNDWATER RECHARGE AREAS ON THE PROPERTY.

9. 1/2" REINFORCING RODS SHALL BE SET AT ALL LOT CORNERS UNLESS
OTHERWISE NOTED.

10. NO PORTION OF THIS PROPERTY LIES WITHIN A 100 YEAR FLOOD
HAZARD AREA, AS PER COMMUNITY PANEL No. 113113C0155E, DATED
SEPTEMBER 28, 2008.

11. EACH BUILDABLE LOT HAS A MINIMUM CONTIGUOUS AREA OF 0.6 ACRES
THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED

PROTECTION

BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF
ANY KIND.

12. THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.

13. THERE ARE NO STATE WATERS ON THIS SITE.

14. THE EXISTING STRUCTURES OR FEATURES ON THE PROPERTY ARE TO REMAIN

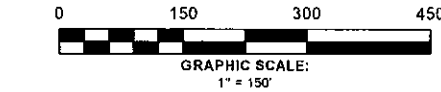
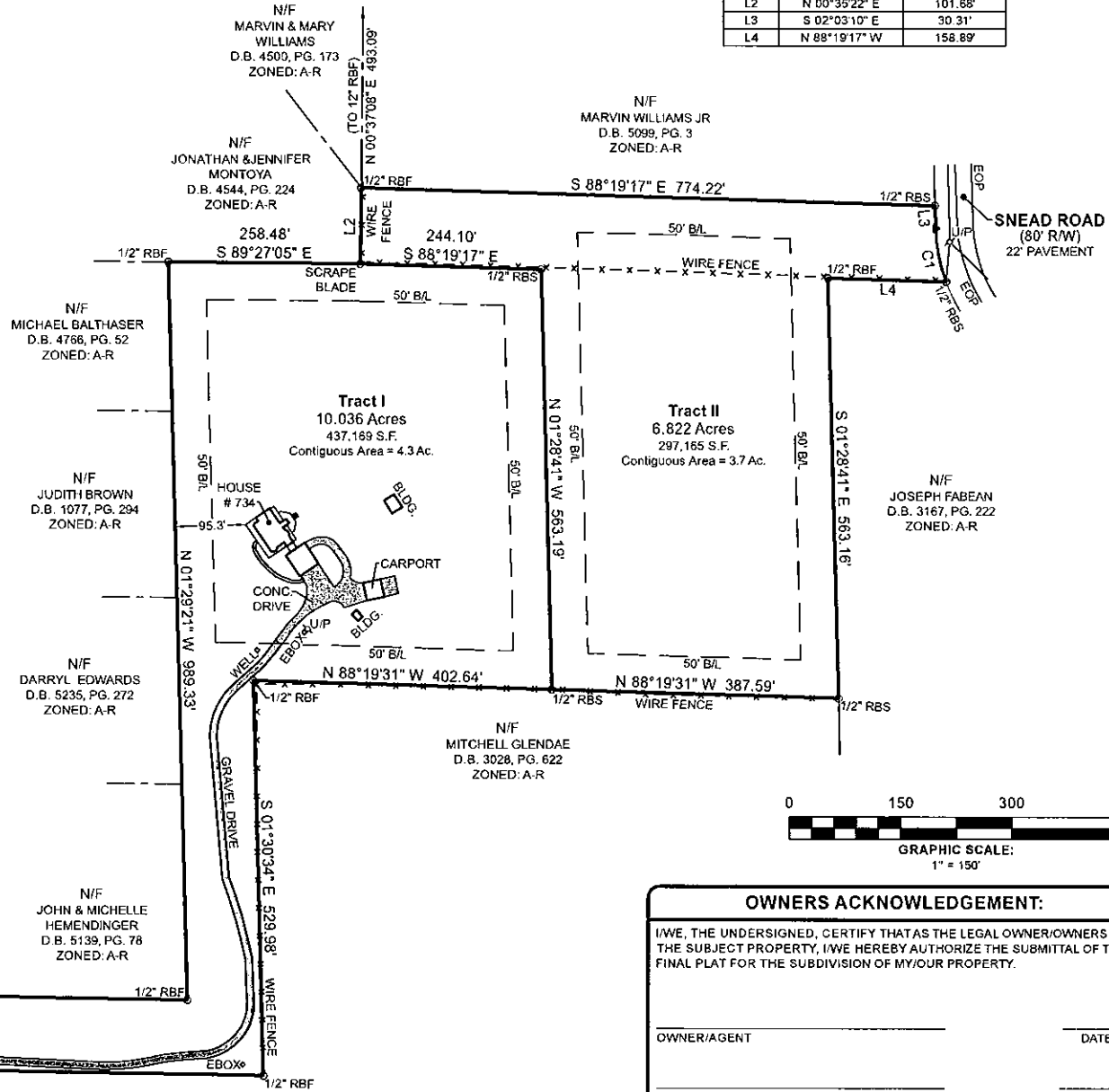
15. THERE ARE NO WETLANDS ON THE SURVEYED PROPERTY AS PER ON THE
FAYETTE COUNTY GIS MAPS.

16. THERE ARE NO EXISTING EASEMENTS ASSOCIATED WITH THE PROPERTY.

MINOR FINAL PLAT FOR AENCHBACHER PROPERTY

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	230.48'	73.97'	73.25'	S 11°11'48" E

LINE	BEARING	DISTANCE
L1	N 00°50'56" W	100.14'
L2	N 00°35'22" E	101.68'
L3	S 02°03'10" E	30.31'
L4	N 88°19'17" W	158.89'



OWNERS ACKNOWLEDGEMENT:

I/WE, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER/OWNERS OF
THE SUBJECT PROPERTY, I/WE HEREBY AUTHORIZE THE SUBMITTAL OF THIS
FINAL PLAT FOR THE SUBDIVISION OF MY/OUR PROPERTY.

OWNER/AGENT

DATE

OWNER/AGENT

DATE

MINOR FINAL PLAT APPROVALS:

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT:

ENVIRONMENTAL HEALTH SPECIALIST

DATE

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT:

ENVIRONMENTAL MANAGEMENT DIRECTOR

DATE

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR:

ZONING ADMINISTRATOR/DESIGNEE

DATE

APPROVED BY FAYETTE COUNTY ENGINEER:

FAYETTE COUNTY ENGINEER/DESIGNEE

DATE

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION:

SECRETARY/DESIGNEE

DATE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL:

FIRE MARSHAL/DESIGNEE

DATE

SURVEYORS CERTIFICATION:

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN
PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE
LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THIS TYPE
OF PLAT OR ONE OR MORE OF THE APPLICABLE LOCAL JURISDICTIONS DO NOT
REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL
JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE
INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR OFFICE OF THAT
INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN
HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE
APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE
NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH
APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. SUCH
APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS SHOULD BE
CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR
USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE
UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE
MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A.
SECTION 15-6-67.

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).

Swinson A. Gaskins, Sr.
SWINSON A. GASKINS, Sr.
GEORGIA REGISTERED LAND SURVEYOR No. 1620

10/1/2021
DATE

LEGEND

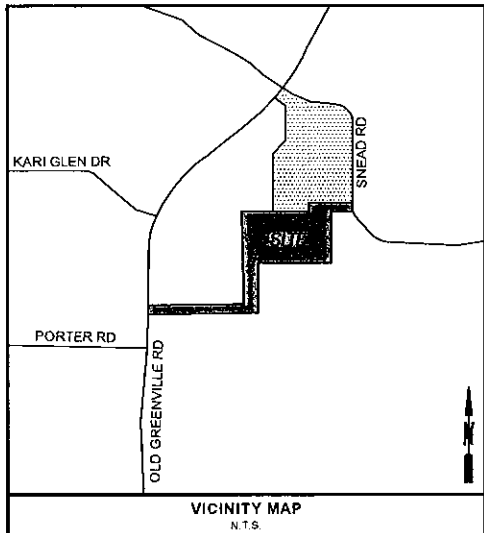
P.B. = PLAT BOOK
D.B. = DEED BOOK
P.G. = PAGE
F.W.P.D. = FIELD WORK
PERFORMED DATE
L.L.L. = LAND LOT LINE
N/F = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
RBF = REBAR FOUND
RBS = REBAR SET
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
B/L = BUILDING LINE
U/P = UTILITY POLE
EBOX = ELECTRIC POWER BOX

CLOSURE STATEMENT:

THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 31,559 FEET AND AN ANGULAR ERROR
OF 00° 00' 03" 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 TS02 TOTAL STATION
& GEOMAX CHAMPION PRO GPS ON THE
TRIMBLE NETWORK.



S.A. GASKINS & ASSOCIATES, LLC

Surveyors - Planners - Development Consultants

981 CAMPGROUND ROAD
GRIFFIN, GA 30223

sagaskins@bellsouth.net

PSALM 51

678-618-5067

Property Location

Land Lot 198 of the 4th Land District
Fayette County, Georgia

ANDREW AENCHBACHER &
MARVIN WILLIAMS JR.

Prepared For:



Job No. SA21-120A

Drawn By: M.W.R. Reviewed By: S.A.G.

Issue Date: 10/1/21

F.W.P.D.: 9/15/21

Revisions

County Comments

Date

4/19/2022

PAGE 1 OF 1

REQUESTED ACTION: O-I to M-1

PROPOSED USE: Multi Tenant Light Industrial

EXISTING USE: Undeveloped

LOCATION: S.R. 85 & Carnes Drive

DISTRICT/LAND LOT(S): 5th District, Land Lot 216

OWNER: Ann Kimbell

AGENT: David Weinstein

PLANNING COMMISSION PUBLIC HEARING: June 2, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: June 23, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 10.651 acres from O-I to M-1 for a multi-tenant light industrial facility.

STAFF RECOMMENDATION

APPROVAL

1-1.

1319-22

INVESTIGATION

A. PROPERTY SITE

The subject property is a 10.651 tract fronting on S.R. 85 in Land Lot 216 of the 5th District. S.R. 85 is classified as a Major Arterial road and Carnes Drive is classified as a County Local road on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned O-I.

Rezoning History: On September 14, 1989, the Board of Commissioners adopted a new zoning district called L-B (Limited Business). The intent was to provide planned, large-scale, mixed-use development along the major thoroughfares where sewer was planned, and particularly along SR 85 North.

On September 13, 1990, the Board of Commissioners amended the L-B zoning district and blanket zoned approximately 830 acres (including the subject property) in the SR 85 North corridor from A-R (Agricultural- Residential) to L-B. From 1991 through 1997 no one had ever developed under the L-B zoning district, because sewer was not forthcoming in the corridor. The L-B zoning district was deleted from the Fayette County Zoning Ordinance on January 14, 1998. Therefore, all properties that were zoned L-B were rezoned to a valid zoning district.

The rezoning Petition #974-98 for O-I zoning was approved by the Board of Commissioners on April 9, 1998.

B. SURROUNDING ZONING AND USES

The general situation is a 10.651-acre parcel is zoned O-I (Office-Institutional). In the vicinity of the subject property is land which is zoned M-1, C-H, & C-C. 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 (across Carnes Drive)	1.5	M-1	Light-Industrial	Commercial
	2.45	M-1	Light-Industrial	Commercial
	0.9	M-1	Undeveloped	Commercial
South	6.98	C-H	Light-Industrial	Commercial
West (across SR 85 N	0.5	C-C	Single-family Residential	Commercial
	0.8	C-C	Single-family Residential	
	116.81	C-H	Amusement Park	
East (Kenwood Bus. Park)	1.0	C-H	Light-Industrial	Light-Industrial
	1.0	M-1	Light-Industrial	Light-Industrial
	1.0	M-1	Light-Industrial	Light-Industrial
	1.0	M-1	Light-Industrial	Light-Industrial
	1.0	M-1	Light-Industrial	Light-Industrial
	1.0	C-H	Light-Industrial	Light-Industrial
	1.0	C-H	Light-Industrial	Light-Industrial
	1.0	C-H	Light-Industrial	Light-Industrial

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Commercial on the Future Land Use Plan map. However, this request conforms to the Fayette County Comprehensive Plan in terms of the SR 85 North of Fayetteville commercial area description which states:

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. **It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate.** The area contains opportunity for infill, redevelopment and new development.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from O-I to M-1 for the purpose of developing a multi-tenant light industrial facility. The subject property will be subject to the M-1 zoning district regulations and the SR 85 North Overlay Zone (see attached).

The concept plan depicts a total of three (3) proposed structures. One (1) structure will be utilized for a single-tenant warehouse building consisting of 18,000 square feet, and the other two (2) structures will be utilized as a multi-tenant industrial building consisting of 23,250 square feet each.

State Route 85 North Overlay Zone

Due to the frontage on State Route 85 North, development of the property is subject to the requirements of the State Route 85 North Overlay Zone. The Overlay Zone requirements are in addition to the M-1 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, a 50 foot setback for impervious surfaces from right-of-way of SR 85 and architectural standards.

Access

The Concept Plan submitted indicates one (1) access from SR 85 North (see GDOT comments below).

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. Access must comply with the provisions of Section 104-55. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with all applicable Fayette County Code regulations.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Site Plan, as applicable.

F. DEPARTMENTAL COMMENTS

Water System

FCWS has no objection to the proposed rezoning. Water is available along the west side of GA-85 provided in a 10" PVC watermain and along the north side of Carnes Dr in an 8" PVC watermain.

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 site entrances and exits on GA Hwy 85 will be permitted through GADOT.

Carnes Drive is an **Internal Local** roadway. The existing right of way on Carnes Drive is 60', which is the required standard, so no additional right of way dedication is required.

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 **30,900 vehicles per day (August 2020)**. The owner has not submitted traffic data for the proposed development, 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 for any driveways added to GA Hwy 85. Fayette County EMD will review sight distances for new driveways on Carnes Drive

Floodplain Management

The 10.651-acre request for rezoning **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0106E 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.

Environmental Health Department

This office has no objection at this time.

Fire

This office has no objection at this time.

Georgia Department of Transportation

GDOT preference would be for the applicant to obtain their access from Carnes Drive, if an access is desired from the state route the access spacing requirement of 350' for the posted speed limit of 55 for SR 85 has to be met being measured from the egress radius of Carnes Drive southward.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from to O-I to M-1 for the purpose of developing Light-Industrial. 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. This request conforms to the Fayette County Comprehensive Plan in terms of the SR 85 North of Fayetteville commercial area description which states:

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. **It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate.** The area contains opportunity for infill, redevelopment and new development.

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.**

REZONING LETTER OF INTENT

Fayette County
Planning and Zoning Department
Attn: Chanelle N. Blaine, AICP
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214

RE: Letter of Intent - Rezoning Application for the property located at Carnes Drive and GA Hwy 85, Fayette County Georgia, Tax Parcel Number 0546 029 (the "Property")

Dear Ms. Blaine:

DEW Capital Investments, LLC and 130 Carnes Drive, LLC (the "Authorized Agent") on behalf of Ann Kimbell (the "Owner") request a rezoning of the approximately 10.651 acre parcel located at Carnes Drive and GA Hwy 85, Fayette County Georgia, Tax Parcel Number 0546 029 from the O-I Office Institutional District to the M-1 Light Industrial District. The intent is to allow for light industrial uses on the site consistent with most of the neighboring parcels of the Property. The request to rezone to M-1 Light Industrial is an appropriate zoning transition because the site lies adjacent to Kenwood Business Park which is predominantly occupied by light industrial uses and is consistent with the intent of the overlay district in which the Property lies.

The surrounding uses are as follows:

- East/North: Carnes Drive and GA Hwy 85 North, directly to the north of the subject site there are three (3) parcels zoned M-1 Light Industrial (parcels 0546 019, 0546 075, and 0546 074, which also has frontage on GA Hwy 85);
- West: Eight (8) parcels all used with warehouses, half of which are zoned M-1 Light Industrial (parcels 054501020, 054501019, 054501018, 054501017) and one (1) which is owned by the Authorized Agent 130 Carnes Drive, LLC (parcel 054501021); and
- South: 6.98 acres of land with one (1) existing warehouse.

Our proposal for M-1 Light Industrial, as it relates to these surrounding uses, is the best and most practical use for the Property due to its location, shape, size, and many other factors. The subject property is located directly adjacent to the Kenwood Business Park, which serves as a bustling light industrial economic zone for Fayette County. The industrial park has almost no vacancy and as of this writing, to the Authorized Agent's knowledge, there are almost no industrial properties available for occupancy in all of Fayette County. As platted, the Kenwood Business Park has about 35 parcels most of which are zoned M-1 Light Industrial. Just further west of the subject Property, there are approximately 50 more parcels that are all zoned M-1 Light Industrial.

Rezoning the subject Property to M-1 Light Industrial will further advance the growth of businesses and jobs in the County. The proposal would not burden existing infrastructure and the light industrial uses are consistent with the adjacent Kenwood Business Park. The addition of this Property to an M-1 Light Industrial use will provide more outlets for local small and medium size businesses to serve the residents of Fayette County without adding additional strain on the school

systems or other infrastructure. Small and medium size businesses makeup the backbone of any strong economy that wishes to continue to grow and provide various goods and services to its residents. There is no question that the development of the Property for light industrial uses will provide a path to more jobs and increased real estate taxes and sales tax revenues for the County. This will surely be a marked improvement to the current use of the site as it is currently vacant and produces very little tax revenue.

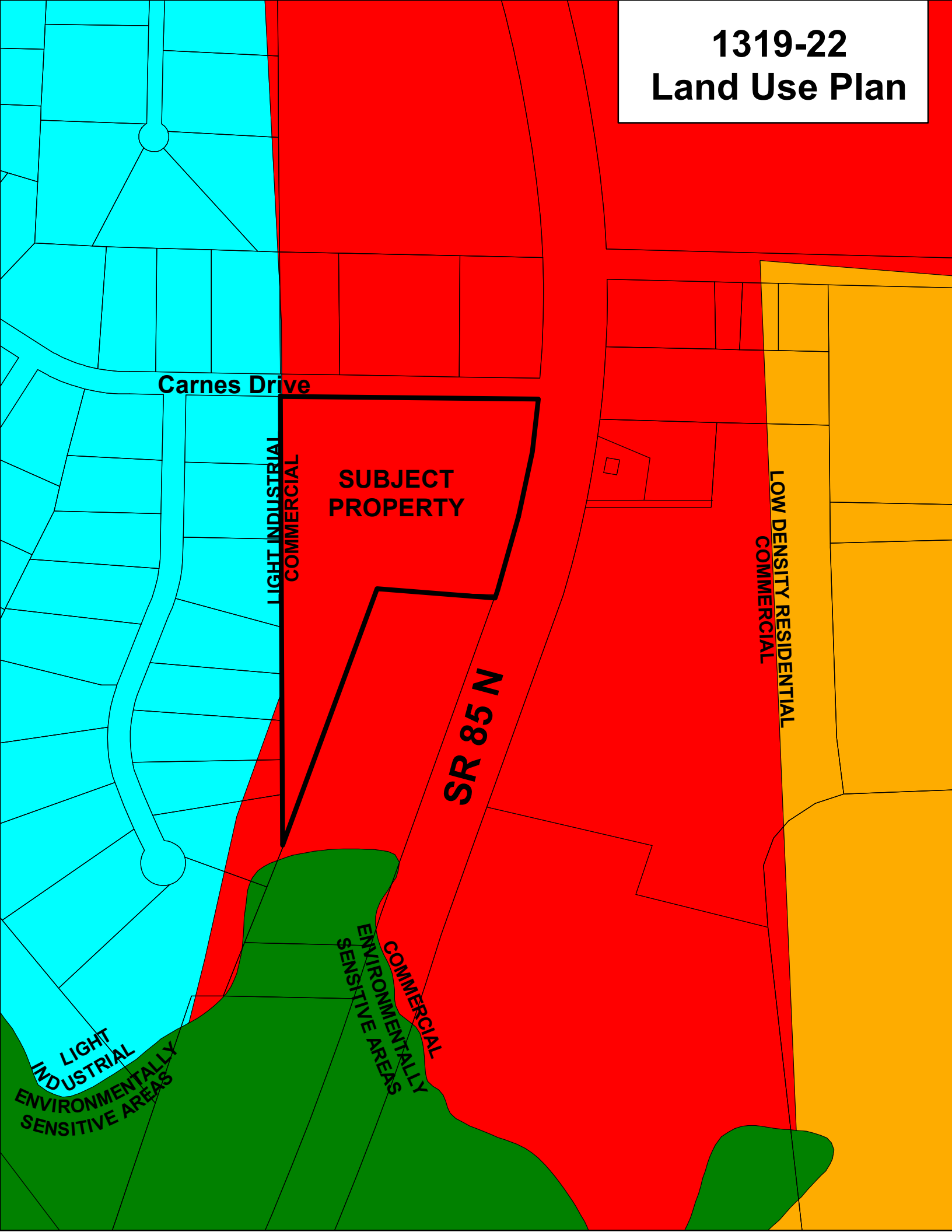
The Authorized Agent and owner respectfully request that the Fayette County Commissioners, Planning Commission and Planning Staff approve and support the Authorized Agent's rezoning request to allow for the Property to be changed to the M-1 Light Industrial use category to support light industrial uses consistent with neighboring properties, which is the most economically viable use of the subject Property and would provide the most benefit to the County and its residents. The Authorized Agent, owner, and their representatives welcome the opportunity to meet with all interested parties and representatives.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Weinstein', is written over the word 'Respectfully,'.

David E. Weinstein, Esq.

1319-22
Land Use Plan



Carnes Drive

**SUBJECT
PROPERTY**

**LIGHT INDUSTRIAL
COMMERCIAL**

SR 85 N

**LOW DENSITY RESIDENTIAL
COMMERCIAL**

**ENVIRONMENTALLY
SENSITIVE AREAS
COMMERCIAL**

**LIGHT
INDUSTRIAL
ENVIRONMENTALLY
SENSITIVE AREAS**

1319-22
Aerials

Carnes Drive

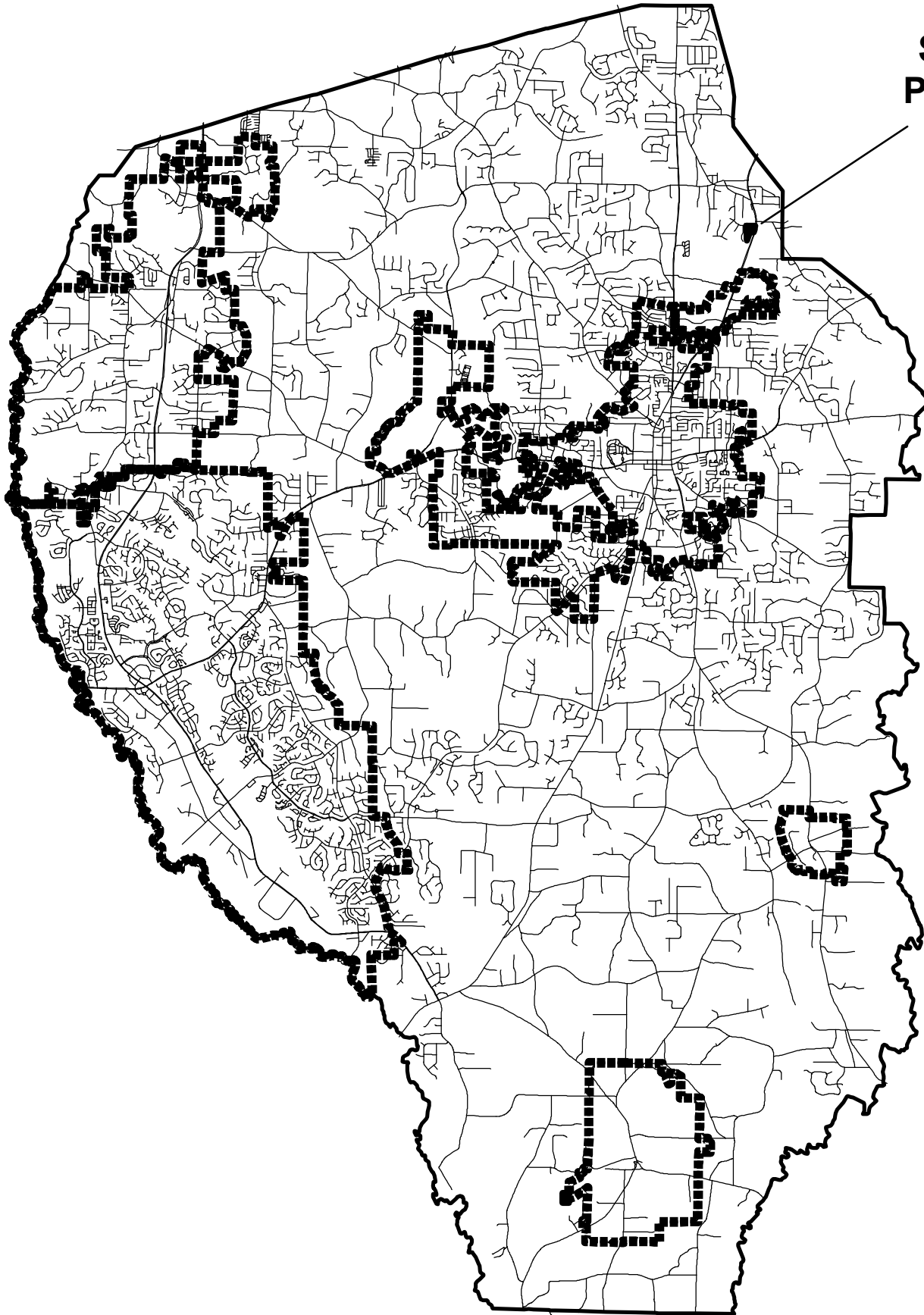
SUBJECT
PROPERTY

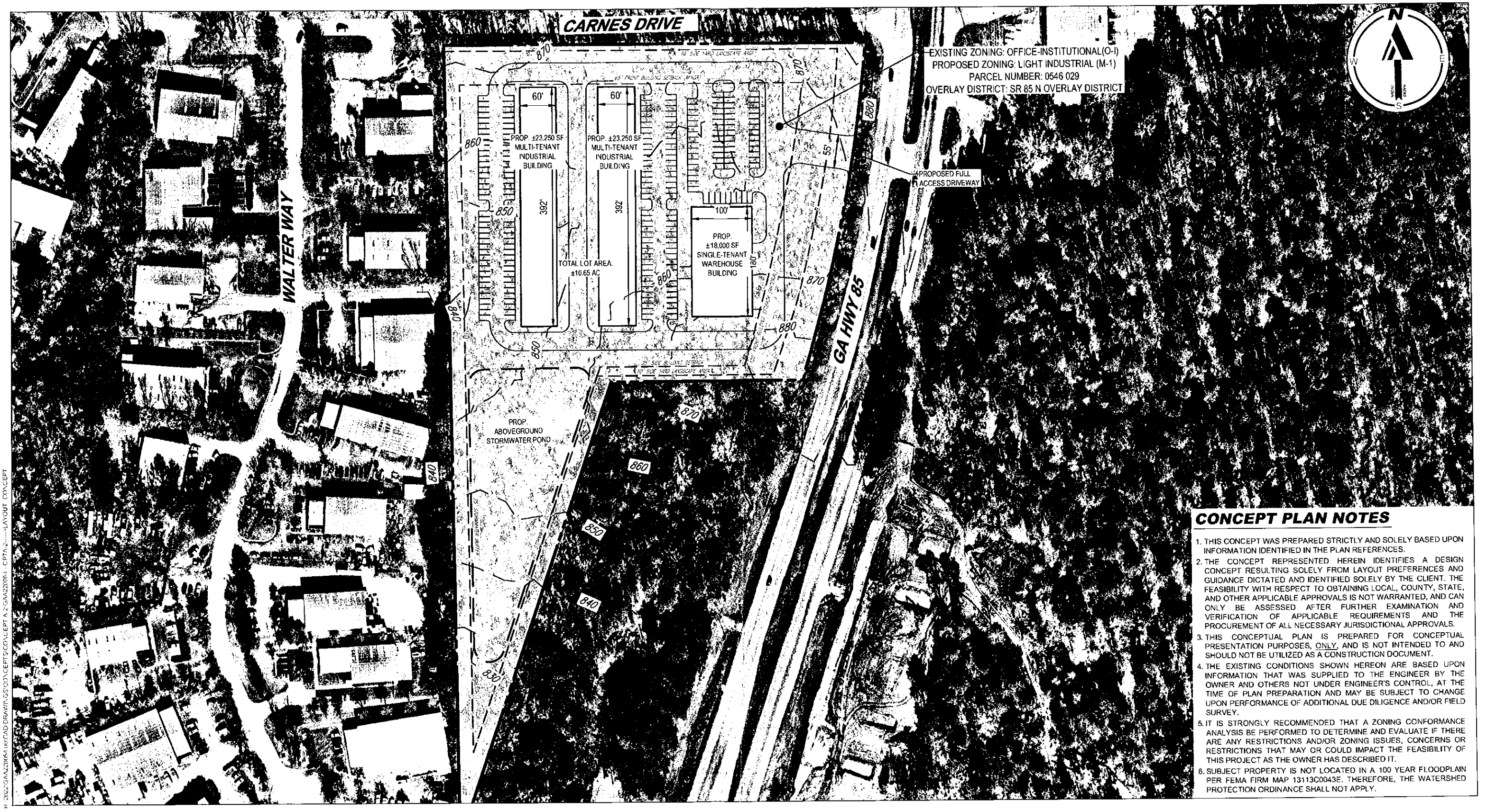
SR 85 N



1319-22
County Proximity

**SUBJECT
PROPERTY**





H:\2022\GAA220054\100\CONCEPTS\CONCEPT A-2\GAA220054 - CPTA-2-LAYOUT-CONCEPT

CONCEPT PLAN NOTES

1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
2. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES, ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A CONSTRUCTION DOCUMENT.
4. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS SUPPLIED TO THE ENGINEER BY THE OWNER AND OTHERS NOT UNDER ENGINEER'S CONTROL, AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON PERFORMANCE OF ADDITIONAL DUE DILIGENCE AND/OR FIELD SURVEY.
5. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT AS THE OWNER HAS DESCRIBED IT.
6. SUBJECT PROPERTY IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA FIRM MAP 13113C0043E. THEREFORE, THE WATERSHED PROTECTION ORDINANCE SHALL NOT APPLY.

BOHLER //

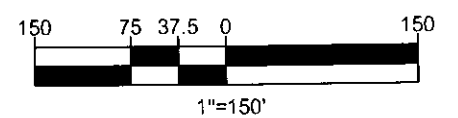
211 PERIMETER CENTER PKWY NE,
SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

CARNES DRIVE REZONING PLAN 'A-2'



130 CARNES DR, FAYETTEVILLE, GA 30214

04/28/2022 | DW | GAA220054 | Rev. A-2



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

PROPERTY OWNERS: Ann Kimbell (aka Ana Kimble)

MAILING ADDRESS: 723 Goza Road, Fayetteville, GA 30215

PHONE: (770) 461-6451 **E-MAIL:** N/A

AGENT FOR OWNERS: DEW CAPITAL INVESTMENTS, LLC/130 Carnes Drive, LLC ATTN: David Weinstein

MAILING ADDRESS: 3211 Windsor Lake Drive NE, Brookhaven, GA 30319

PHONE: (404) 218-1677 **E-MAIL:** dweinstein@dweinsteinpc.com

PROPERTY LOCATION: LAND LOT 216 LAND DISTRICT 5 PARCEL 0546 029
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 10.651 per survey dated 4/14/22

EXISTING ZONING DISTRICT: OI **PROPOSED ZONING DISTRICT:** M1

ZONING OF SURROUNDING PROPERTIES: M1 AND CH

PRESENT USE OF SUBJECT PROPERTY: VACANT LAND

PROPOSED USE OF SUBJECT PROPERTY: MULTI TENANT LIGHT INDUSTRIAL

LAND USE PLAN DESIGNATION: _____

NAME AND TYPE OF ACCESS ROAD: N HIGHWAY 85

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1319-22

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: April 29, 2022

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff:  Date: April 29, 2022

DATE OF PLANNING COMMISSION HEARING: June 2, 2022

DATE OF COUNTY COMMISSIONERS HEARING: June 23, 2022

Received from David Weinstein a check in the amount of \$ 350.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: April 29, 2022 Receipt Number: 014653

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:

Ann Kimbell (AKA Ann Kimble)

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0546029

(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) 216 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 10.651 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

DEW Capital Investments LLC / 150 Cams Drive LLC

(I) (We) hereby delegate authority to Attn: David Weinstein 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.

Ann Kimbell

Signature of Property Owner 1

723 Hoza Rd. Fayetteville, Ga 30215

Address

Signature of Notary Public

Date

4-14-22



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

[Signature]

Signature of Authorized Agent

3211 Windsor Lake Dr NE
Address Brookhaven GA 30319

Address

Signature of Notary Public

Date

4-14-22



NAME: ATTN: DAVID WEINSTEIN PETITION NUMBER: _____

ADDRESS: 10.651 ACRES LOCATED AT CARNES DRIVE AND N HWY 85

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

DAVID WEINSTEIN affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 01 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 370 to cover all expenses of public hearing. He/She petitions the above named to change its classification to M1.

This property includes: (check one of the following)

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

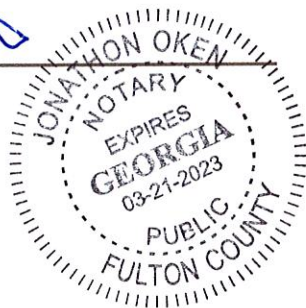
☒ Legal description for subject property is as follows: SEE ATTACHED EXHIBIT

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 2ND day of JUNE, 20 22 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 23RD day of JUNE, 20 22 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29th DAY OF April, 20 22

NOTARY PUBLIC



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.

Doc ID: 008017450002 Type: GLR
Filed: 11/10/2003 at 11:10:20 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Shelia Studdard Clerk of Court
BK **2384** PG **419-420**

John Kimbell
After recording, return to:
723 Goza Road
Fayetteville, Georgia 30215

STATE OF GEORGIA

COUNTY OF FAYETTE

EXECUTOR'S DEED

THIS INDENTURE is made as of 10 day of NOVEMBER, 2003, between JOHN KIMBELL as Executor of the Last Will and Testament of CHARLOTTE CLARA CARNES MCCLURE (hereinafter referred to as the "Deceased"), late of FAYETTE County, Georgia (hereinafter referred to as "Grantor") and ANN KIMBELL (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR (acting under and by virtue of the power and authority contained in the Last Will and Testament of the Deceased, it having been duly probated and recorded in the Court of Probate of Fayette County, Georgia), for and in consideration of love and affection and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land lying and being in Land Lots 216, 217 and 232 of the 5th District of Fayette County, Georgia (hereinafter referred to as the "Land"), as more particularly described in the attached Exhibit "A", which Exhibit is incorporated herein.

TO HAVE AND TO HOLD the Land 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 Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

Preparer has not performed a title examination or confirmed the legal description, and as such, makes no representation with regard to the same.

EXECUTED under seal as of the date above.

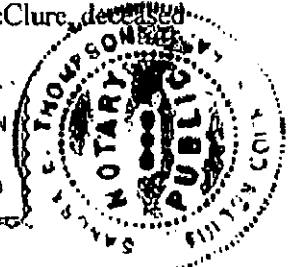
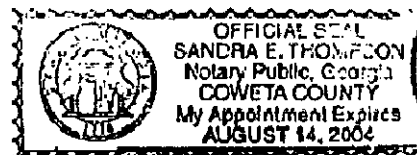
signed, sealed and delivered in
the presence of:

[Signature] (SEAL)
Unofficial Witness

GRANTOR:

John Kimbell
John Kimbell, Executor
Under the Last Will and Testament of
Charlotte Clara Carnes McClure, deceased

Sandra E. Thompson
Notary Public



THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
P.L.=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
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER

LOT 34 KENWOOD BUSINESS PARK
PHASE TWO
130 CARNES DRIVE, LLC
DB 5417 PG 456
PB 21 PG 66

LOT 34 KENWOOD BUSINESS PARK
PHASE TWO
2900 LOCH RAVEN, LLC
DB 4974 PG 378
PB 21 PG 66

LOT 33 KENWOOD BUSINESS PARK
PHASE TWO
TAMARO HOLDINGS, LLC
DB 3436 PG 153
PB 21 PG 66

LOT 32 KENWOOD BUSINESS PARK
PHASE TWO
130 WALTER WAY, LLC
DB 4851 PG 226
PB 21 PG 66

LOT 31 KENWOOD BUSINESS PARK
PHASE TWO
ROBERT K. AND
ALICIA K. NYBORG
DB 3789 PG 30
PB 21 PG 66

LOT 30 KENWOOD BUSINESS PARK
PHASE TWO
DEJA II, LLC
DB 3991 PG 317
PB 21 PG 66

LOT 29 KENWOOD BUSINESS PARK
PHASE TWO
DIANA LYNN MURPHY REVOCABLE
LIVING TRUST
GARY P. MURPHY REVOCABLE
LIVING TRUST
DB 4830 PG 523-525
PB 21 PG 66

LOT 28 KENWOOD BUSINESS PARK
PHASE TWO
TIBBETTS 170 PROPERTIES, LLC
DB 4685 PG 535-538
PB 21 PG 66

N 00°16'36" E 1308.56'

S 19°53'50" W 795.90'

10.651 Acres
DB 2384 PG 419-420
PB 1 PG 84
PB 3 PG 9

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	565.01'	2658.58'	12°10'36"	S 12°16'10" W	563.94'

SURVEYORS CERTIFICATION:

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

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: 04/14/22

Job No. 22-024

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

Issue Date: 04/14/22

F.W.P.D.: 04/13/22

Revisions Date

Prepared For:

DEW CAPITAL INVESTMENTS, LLC
AND ITS SUCCESSORS AND ASSIGNS

Property Location

Land Lot 216 Of The 5th Land District
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants
981 CAMPGROUND ROAD GRIFFIN, GA 30223
678-571-3054
rdgaskins79@gmail.com

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP NUMBER
13113C0043E & 13113C0106E, DATED
SEPTEMBER 26, 2008, THIS PROPERTY
DOES NOT LIE WITHIN A SPECIAL
FLOOD HAZARD AREA.

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