

BOARD MEMBERS

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

STAFF

Deborah L. Bell, Planning and Zoning Director
Chelsie Boynton, Planning and Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
September 1, 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 August 4, 2022.


NEW BUSINESS

2. Consideration of a Minor Final Plat for Larry Knight

PUBLIC HEARING

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5th District and fronts on South Sandy Creek Road.
4. Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5th District and fronts on S.R. Highway 54.
5. Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5th District and fronts on S.R. Highway 54 and South Sandy Creek Road.

6. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.
7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6th District and fronts on Georgia Highway 85 and Padgett Road.

To: Fayette County Planning Commission
From: Deborah L. Bell, Planning and Zoning Director 
Date: August 15, 2022
Subject: Minor Final Plat to be considered on September 1, 2022

MINOR FINAL PLAT

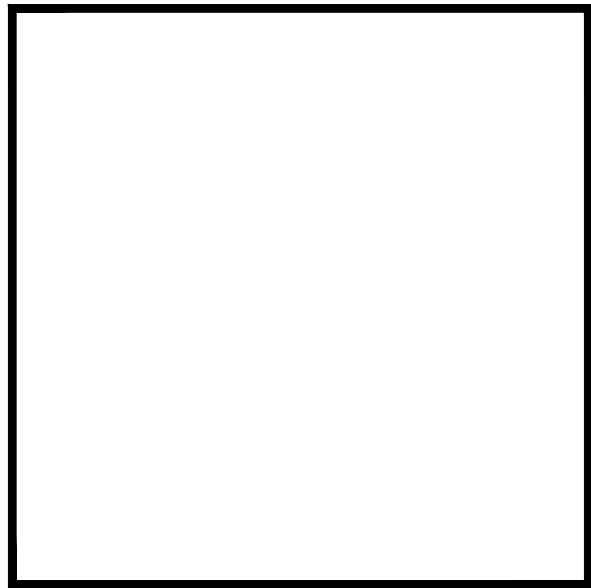
Minor Final Plat for Larry Knight

OWNER/APPLICANT

Larry Knight

Recommend **APPROVAL** for the Minor Final Plat signed September 1, 2022.

RECORDATION AREA



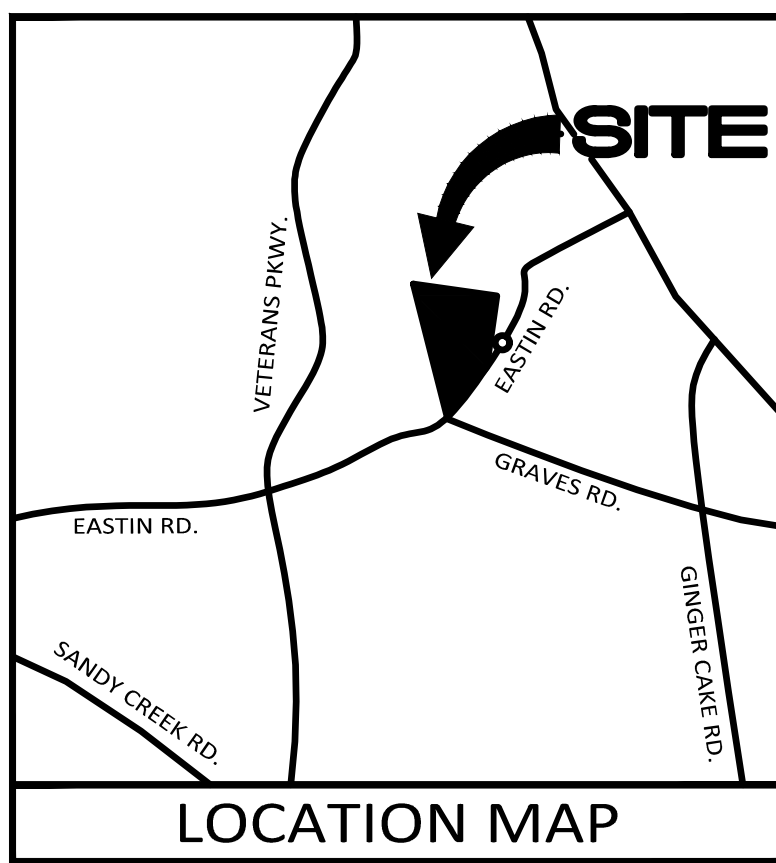
CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS PERFORMED USING AN CLOSED TRAVERSE AND WAS NOT ADJUSTED.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 288,746 FEET.

THE FOLLOWING TYPE OF EQUIPMENT WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT:
TRIMBLE S6 ROBOTIC TOTAL STATION AND DATA COLLECTOR

N ~ F
RIVER PARK COMMUNITY ASSOC.
DB 4257 PG 447
ZONED: C-S



LOCATION MAP

As required by subsection (d) of O.C.G.A. Section 15-6-67 this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations 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.

7/28/22
DATE



GENERAL NOTES

- THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.
- FLOOD STATEMENT: AS PER OFFICIAL FIRM MAP 13121C0261G DATED 9/18/2013 THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.
- HUGHES-RAY COMPANY, INC. AND THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HERETO DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY ARE SHOWN HEREON.
- THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEY IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.
- PROPERTY IS NOT IN A GROUNDWATER RECHARGE AREA.
- WATER PROVIDED BY PUBLIC WATER SERVICE.
- NO EASEMENT OF RECORD WAS PROVIDED.
- DATE OF FIELD WORK: 4/13/22
- VARIANCE REQUEST SHALL BE OBTAINED FROM THE ZBA WITHIN 180 DAYS OF APPROVAL OF THIS PLAT OR THE STRUCTURE SHALL BE REMOVED.

ENVIRONMENTAL HEALTH

SIGNATURE: _____

DATE: _____

ENVIRONMENTAL MANAGEMENT

SIGNATURE: _____

DATE: _____

COUNTY ENGINEER DESIGNEE

SIGNATURE: _____

DATE: _____

PLANNING COMMISSION DESIGNEE

SIGNATURE: _____

DATE: _____

ZONING ADMINISTRATOR DESIGNEE

SIGNATURE: _____

DATE: _____

FIRE MARSHAL DESIGNEE

SIGNATURE: _____

DATE: _____

IF YOU DIG



Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

LEGEND

- | | | | |
|-----|---------------------------------|---|--------------------------------|
| ● | ----- CALCULATED POINT | ⊕ | ----- WATER METER |
| ○ | ----- IRON PIN FOUND | ⊕ | ----- WATER VALVE |
| ○ | ----- IRON PIN SET (1/2" REBAR) | ⊕ | ----- FIRE HYDRANT |
| □ | ----- R/W MONUMENT | ⊕ | ----- SANITARY SEWER MANHOLE |
| P/L | ----- PROPERTY LINE | ⊕ | ----- CLEANOUT |
| R/W | ----- RIGHT OF WAY | ⊕ | ----- GREASE TRAP |
| N/F | ----- NOW OR FORMERLY | ⊕ | ----- GAS METER |
| B/L | ----- BUILDING LINE | ⊕ | ----- POWER METER |
| OTF | ----- OPEN TOP PIPE | ⊕ | ----- POWER BOX |
| ⊕ | ----- DOUBLE WING CATCH BASIN | ⊕ | ----- GAS VALVE |
| ⊕ | ----- HEADWALL | ⊕ | ----- POWER POLE |
| ⊕ | ----- JUNCTION BOX | ⊕ | ----- GUY ANCHOR |
| ⊕ | ----- DROP INLET | ⊕ | ----- BOLLARD |
| ⊕ | ----- CORRUGATED METAL PIPE | ⊕ | ----- IRRIGATION CONTROL VALVE |
| ⊕ | ----- REINFORCED CONCRETE PIPE | ⊕ | ----- FIBER OPTIC MARKER |
| ⊕ | ----- LIGHT POLE (1 LAMP) | ⊕ | ----- FIRE DEPT. CONNECTION |
| ⊕ | ----- LIGHT POLE (2 LAMPS) | | |
| ⊕ | ----- LIGHT POLE (3 LAMPS) | | |
| ⊕ | ----- LIGHT POLE (4 LAMPS) | | |
| --- | ----- BOUNDARY LINE | | |
| --- | ----- FENCE | | |
| --- | ----- GAS LINE | | |
| --- | ----- UNDERGROUND POWER LINE | | |
| --- | ----- OVERHEAD POWER LINE | | |
| --- | ----- SANITARY SEWER LINE | | |
| --- | ----- STORM DRAIN LINE | | |
| --- | ----- WATER LINE | | |

TOTAL SITE AREA

10.68 ACRES
465,476 SQ. FT.

UTILITIES NOTE

- PROPERTY IS NOT IN A GROUNDWATER RECHARGE AREA.
- WATER PROVIDED BY PUBLIC WATER SERVICE.
- WASTEWATER TREATMENT PROVIDED BY [PRIVATE SEPTIC SYSTEM]

OWNERS CERTIFICATE

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: Larry N Knight
DATE: 7/28/22

MORTGAGEE: N/A

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE", AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

BY: Aaron M. McCullough DATE: 7/28/22

AARON M. MCCULLOUGH, GA. RLS# No. 2990

OWNER
LARRY N KNIGHT
509 BROGDON RD
FAYETTEVILLE GA 30214
(770) 942-0196

ZONING: R-70
SETBACKS:
MINIMUM FRONT SETBACK = 50'
MINIMUM SIDE SETBACK = 25'
MINIMUM REAR SETBACK = 50'

* MINIMUM LOT SIZE (87,120 SQUARE FEET) 2 ACRES
MINIMUM FLOOR AREA 1500 SQUARE FEET.

FAYETTE COUNTY WATER SYSTEM NOTE:
Any and all properties subdivided into individual lots where there is an existing water main, and if choosing Fayette County Water, shall be required to provide taps and services for the subdivided properties at the developers/homebuilders expense. All applicable meter connection and accessibility fees shall also be applied. Water main taps shall be observed by Water System personnel with a 48 hour lead time - 770-461-1146 (option 5)

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

STATE OF GEORGIA
CERTIFICATE OF AUTHORIZATION
FOR LAND SURVEYING
HUGHES-RAY COMPANY, INC.
LSF# 000462 EXPIRES 06/30/24

50 0 50 100
SCALE: 1" = 50'

PLAT

PREPARED BY:



MINOR FINAL PLAT FOR

LARRY KNIGHT

LOCATED IN LAND LOT 193
5th DISTRICT,
FAYETTE COUNTY, GEORGIA

DATE: 21 APRIL 2022

DRAWING NO. H22143 SU

NO.	DATE	REVISION DESCRIPTION	DRAWN BY: WAS
1	2 JUNE 2022	ADDRESS COUNTY COMMENTS	CHECKED BY: AMM
2	28 JUNE 2022	ADDRESS COUNTY COMMENTS	JOB NO.: H22143X
3	13 JULY 2022	ADDRESS COUNTY COMMENTS	SCALE: 1"=50'
4	28 JULY 2022	ADDRESS COUNTY COMMENTS	THIS DRAWING IS COPYRIGHTED. THE ORIGINAL DRAWING WAS PRODUCED AND IS ON RECORD IN THE OFFICES OF THIS FIRM. ANY UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THIS DRAWING, IN PART OR WHOLE, IS HEREBY PROHIBITED.

PETITION NO: 1321-22 – A-B-C

REQUESTED ACTION: R-70 to C-C

PROPOSED USE: Automobile Dealership & Service Center

EXISTING USE: Vacant Land & 2 single-family homes

LOCATION: S.R. Highway 54 & Sandy Creek Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 128

OWNERS: Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 10, 2003; Evelyn Morgan; Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased, c/o Leslie Noles

AGENT: Richard P. Lindsey, Atty., for Christopher Chitwood & David Burnett

PLANNING COMMISSION PUBLIC HEARING: September 1, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: September 22, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 40.5 acres from R-70 to C-C to develop an Automobile Dealership & Service Center.

STAFF RECOMMENDATION

Staff recommends **DENIAL** because the request is inconsistent with the Comprehensive Plan.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is made up of a 1.6-acre tract, a 1.0-acre tract and part of a 41.4-acre tract totaling 40.5 acres. The tracts front on S.R. 54 and Sandy Creek Road in Land Lot 128 of the 5th District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and South Sandy Creek Road is classified as a Minor Arterial. The 41.4-acre property is undeveloped; the 1.0-acre parcel and the 1.6-acre parcel both have older single-family homes on them.

All parcels are currently zoned *R-70, Single-Family Residential*.

The area is designated for *Office* uses in the Land Use Plan, Fayette County Comprehensive Plan.

B. SURROUNDING ZONING AND USES

The three tracts that are the subject of the request are zoned R-70. In the vicinity of the subject property is land which is zoned R-70, O-I, and City of Fayetteville property zoned PCD. See the following table and the attached Zoning Map.

The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	15.00	R-70	Vacant	Office
South (across SR 54)	5.73	O-I	Office	Low-Density Residential (1unit/1 acre)
East	26.9	City: PCD	Vacant	Walkable Mixed Use
	2.0	City: PCD	Single-Family Residential	Walkable Mixed Use
	1.1	County: R-70	Single Family Residential	Office
West (across Sandy Creek Rd)	40.1	City: O and I	Hospital	Business Park
	1.3	City: Medical Office	Office	Suburban Commercial
	2.3	County: R-70	Vacant	Office

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the SR 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the SR 54 West Overlay District, which addresses non-commercial uses as follows:

Nonresidential Recommendations: *The nonresidential intent of the SR 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for SR 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on SR 54 West. Conditions should be placed on property at the time of rezoning to address unique situations.*

D. ZONING/REGULATORY REVIEW

Transportation Corridor Overlay Zone for SR 54 West

Due to the frontage on State Route 54, development of the property is subject to the requirements of the SR 54 West Overlay Zone, Article V. Sec. 110-173(2), which requires enhanced setbacks, landscape strips and architectural standards.

State Route 54 West Special Development District

This is a Special District established by the Comprehensive Plan that allows certain expanded uses in the O-I District on parcels of 5 acres or greater.
Sec. 110-142.(h) .

Access & Right-of Way

The Concept Plan submitted indicates access from South Sandy Creek Road. Right of Way donation may be required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by GDOT.

Concept Plan

The Concept Plan submitted with the request is for illustrative purposes only. Any deficiencies shall be addressed at the time of submittal of the Site Plan.

Architectural Review

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not meet the requirements of the SR 54 West Overlay Zone.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-27 of the Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available in a 16" Ductile Iron water main along the southside of Hwy 54 and also available near the Old Sandy Creek Rd intersection in a 16" Ductile Iron water main.
- ☐ **Public Works/Environmental Management**
 - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 or 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 NO** known state waters located on the subject property.
 - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The department has no comments on this rezoning.
- ☐ **Fire** – The department has no comments on this rezoning.
- ☐ **Georgia Department of Transportation** - The existing residential driveways on SR 54 may not be used for access to any part of the proposed commercial project.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Office and Institutional uses, subject to the SR 54 West Overlay Zone. This request does not conform to the Fayette County Comprehensive Plan in terms of the location of nonresidential uses outside the area of the intersection of SR 54 and Tyrone Road.
2. The subject property lies within an area designated as subject to the standards of the State Route 54 West Special Development District. This request does not conform to the Fayette County Comprehensive Plan in terms of the expanded uses allowed in the Special Development District.
3. The area around the proposed nonresidential use is in an area that already has various Office, Institutional, Commercial and Mixed-Use zoning/uses by both County and the City of Fayetteville. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
4. The intersection at South Sandy Creek and SR 54 is already signalized. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
5. Trilith Studios and its associated nonresidential uses in the area are continuing to grow, reinforcing the general nonresidential use pattern in this area.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, the C-C (Community Commercial District) is not designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL of the request for a zoning of C-C (Community Commercial).**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **C-C** 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. South Sandy Creek Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of South Sandy Creek.
2. The Fayette County Comprehensive Transportation Plan identifies a future multi-use path along SR 54 (FTP-404). The owner/developer shall provide a 20-ft easement across the parcel for future construction of the path (by others) and subsequent use by the public. The easement area shall be outside the GDOT R/W.

1321-22 LOCATION MAP



Whitewater Creek

SOUTH SANDY CREEK RD
- OLD SANDY CREEK RD

PARCELS 0521 012 (part)
0521 018
0521046

W HIGHWAY 54

OLD NORTON RD

NINA CELESTE LN

Legend

- Streams
- City Limits
- County
- Parcels
- Roads

0 250 500 750 1,000
Feet

GRAPHIC SCALE IN FEET

1321-22 ZONING MAP

Legend

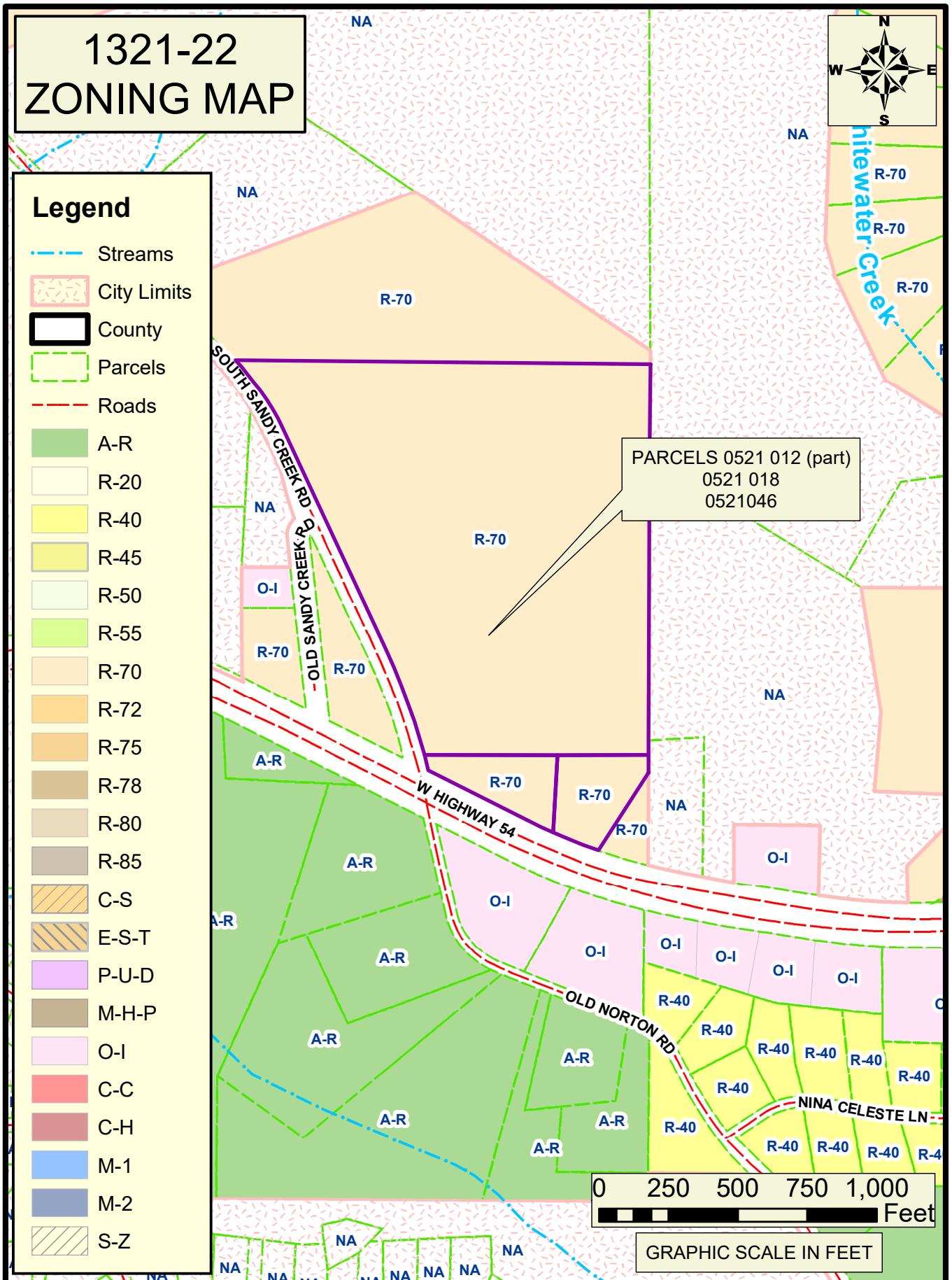
- Streams
- City Limits
- County
- Parcels
- Roads
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z



PARCELS 0521 012 (part)
0521 018
0521046

0 250 500 750 1,000
Feet

GRAPHIC SCALE IN FEET



1321-22 FLOODPLAIN MAP



Ex 100yr Elv: 809.83 ExMFE: 812.83
FU 100yr Elv: 809.92 FUMFE: 810.92
Ex 100yr Elv: 809.8 ExMFE: 812.8
FU 100yr Elv: 809.89 FUMFE: 810.89

PARCELS 0521 012 (part)
0521 018
0521046

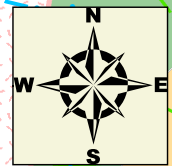
Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- 2013 Dewberry Flood Study

0 250 500 750 1,000
Feet

GRAPHIC SCALE IN FEET

1321-22 LAND USE MAP



Whitewater Creek

PARCELS 0521 012 (part)
0521 018
0521046

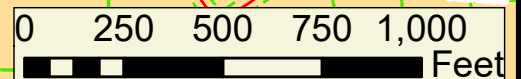
Legend

- - - Streams
- City Limits
- County
- Parcels
- - - Roads
- Ag-Res (1 Unit/5 Acres, 5 Acre Min.)
- Rural Res (1 Unit/2 to 3 Acres)
- Low Density Res (1 Unit/1 to 2 Acres)
- Low-Med Density Res (1 to 2 Units/Acre)
- Med Density Res (2 to 4 Units/Acre)
- High Density Res (5 Units/Acre)
- Mobile Home Parks
- Office
- Commercial
- Business-Tech
- Light Industrial
- Heavy Industrial
- Public/Institution
- Parks & Rec
- Conservation
- Utilities
- Special - Office
- General Business

W HIGHWAY 54

OLD NORTON RD

NINA CELESTE LN



GRAPHIC SCALE IN FEET

1321-22 AERIAL



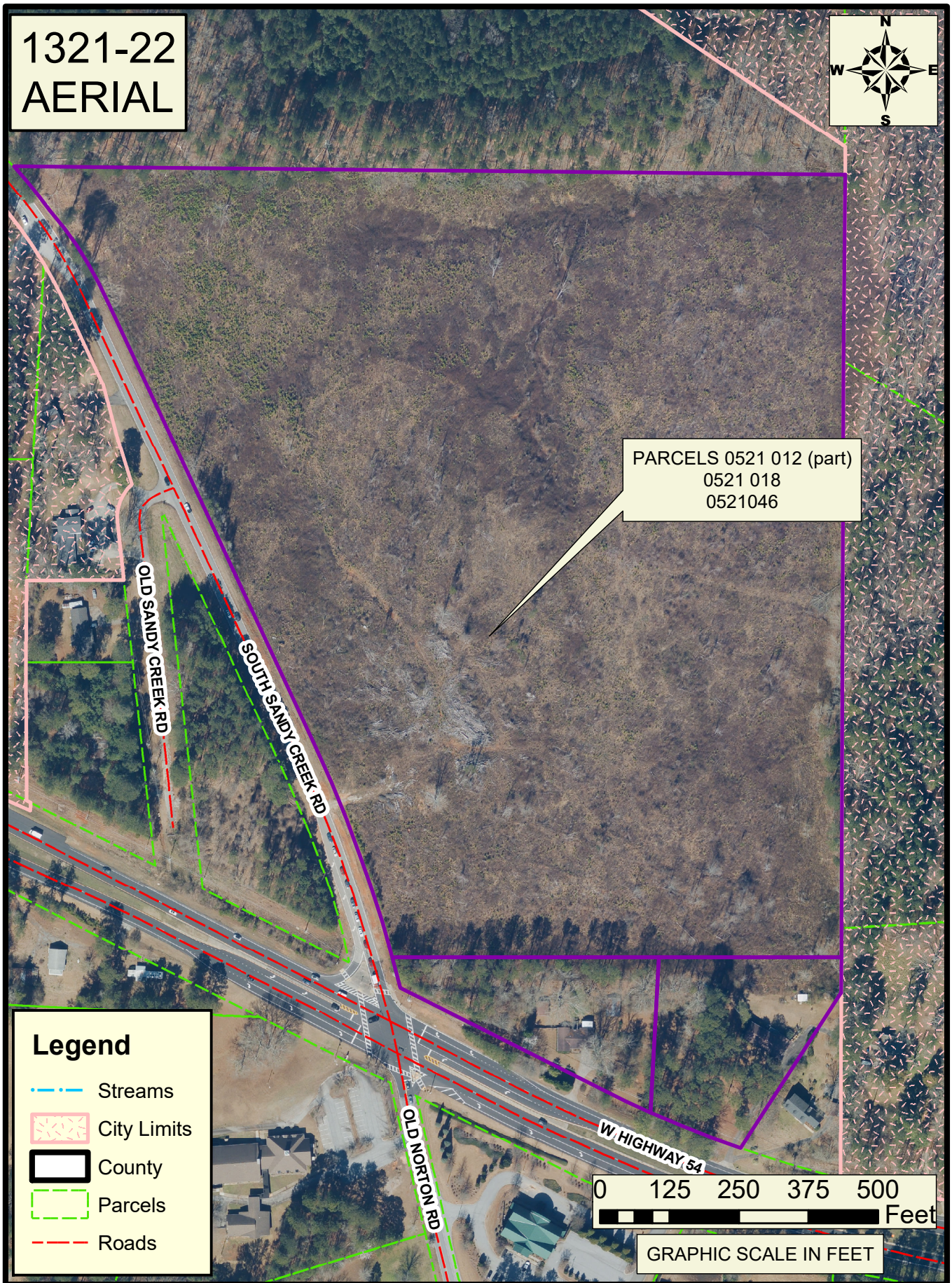
PARCELS 0521 012 (part)
0521 018
0521046

Legend

- Streams
- City Limits
- County
- Parcels
- Roads

0 125 250 375 500
Feet

GRAPHIC SCALE IN FEET





1321-22 A South Sandy Creek



1321-22A South Sandy Creek



1321-22 B Hwy 54



1321-22 B Hwy 54



1321-22 C Hwy 54



1321-22C South Sandy Creek

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JEFFERSON_



FORD RENDERING

ARCHITECTURAL MASTER PLAN - FORD DEALERSHIP - FAYETTEVILLE, GEORGIA
JULY 91 9092

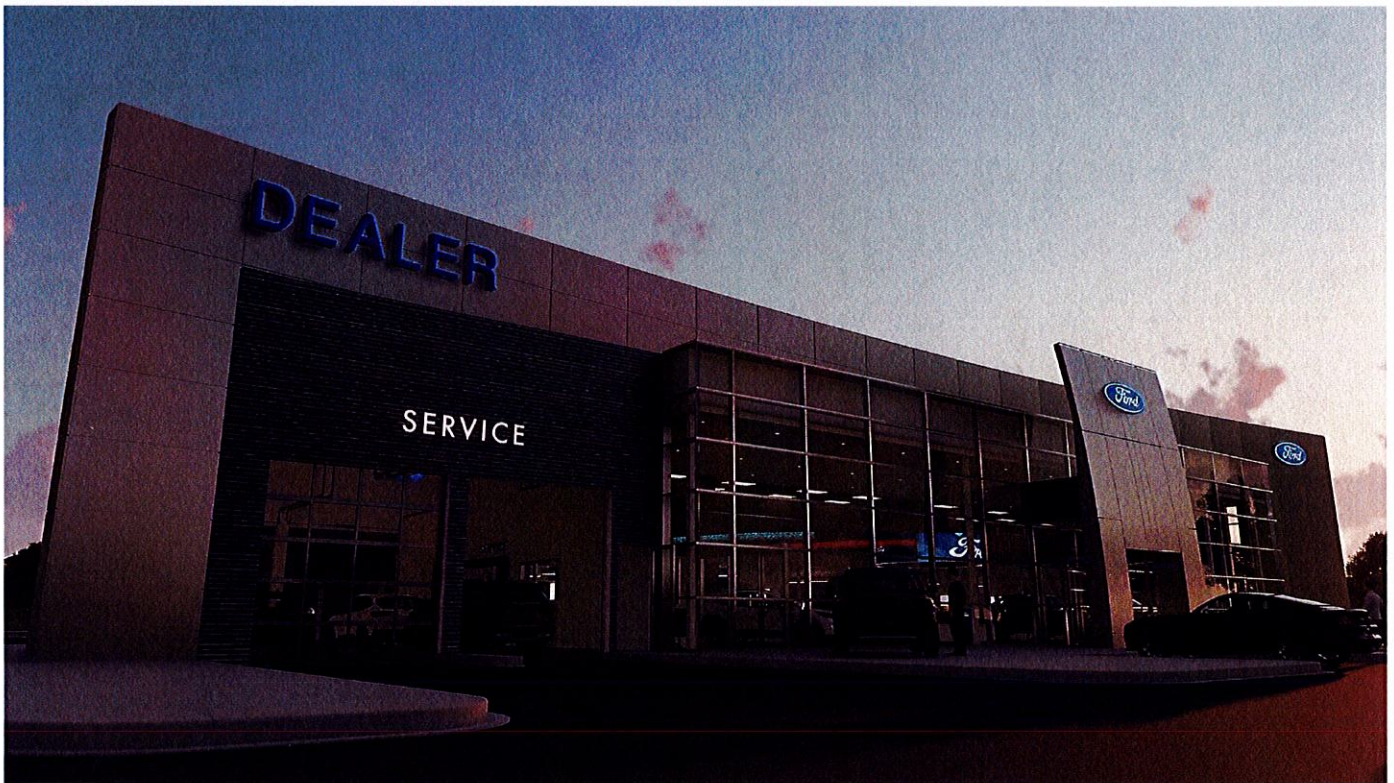












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JEFFERSON_



FORD RENDERING

ARCHITECTURAL MASTER PLAN - FORD DEALERSHIP - FAYETTEVILLE, GEORGIA

JULY 21 2009

LETTER OF INTENT

Mr. David Burnett seeks to rezone the northeast corner of the Hwy 54/Sandy Creek Road intersection located just outside the city limits of Fayetteville. Mr. Burnett seeks a C-C zoning for 40.5 +/- acres to relocate his Ford dealership that is currently on North Glynn Street (Hwy 85) in Fayetteville. The subject property is surrounded mostly by the City of Fayetteville, across Sandy Creek Road from the hospital, and in an area that is largely commercial. It is zoned R-70 and such zoning is out of touch with the current use of property in the area.

The subject property is actually composed of three tracts of land – two fairly small and one large. There is a house on each of the two smaller tracts; the larger track lies vacant. When the two houses were built in 1970, Hwy 54 was a sleepy two-lane road and Sandy Creek was not much more than a quiet country road. Much has changed since then. Now, Hwy 54 is a busy four-lane state highway with traffic travelling between Fayetteville and Peachtree City. Sandy Creek is a busy thoroughfare for travelers and commuters driving between Fayetteville, Trilith, Tyrone and Hwy 74. The presence of the hospital on the edge of this intersection brings hundreds, if not thousands, of vehicles, including emergency first responders, to the area each day. The area is no longer a quiet, residential location.

While the three tracts of land are currently zoned for low-density residential use, the County has recognized that this area is not truly conducive for quiet country living and has identified it for office use in the 2017 update to the Future Land Use Plan. While such use might appear to be logical with the hospital basically across the street, there already exists several medical offices in the immediate area with additional nearby land currently zoned for office use in both Fayetteville and in the County. There are additional offices located a very short distance to the east in Fayetteville mixed with other commercial uses. Currently, there is no need for additional office space in this area of the County.

In light of these realities, Mr. Burnett is proposing to relocate his Ford dealership from its current, rather old facility in Fayetteville to this property. Such use would generate far less traffic than medical offices that draw numerous patients and medical staff every day. Mr. Burnett proposes to build an attractive dealership on the site situated such to minimize the traffic impact on the intersection. His plan will include extra landscaping and buffers to enhance the aesthetic appeal of the site and to protect the land values of the surrounding properties.

Gone are the days of acres and acres of asphalt needed by dealerships to store hundreds of vehicles. Today's more modern dealers use the internet to showcase vehicles that are located both on-site and elsewhere. Appointments are made and customers can arrive to inspect the vehicle they have viewed on-line that has now been brought to the dealership from another location. Mr. Burnett's vision for the site is to include a multi-dealer site located adjacent to the Ford dealership to share resources and amenities. This vision is for a modern "destination location" for car enthusiasts to shop for vehicles, look at current and future designs and features, service their vehicles, and basically immerse themselves in the automotive world. He plans to add recreational opportunities for his customers to include a walking trail, dog park, and perhaps a golf putting area

and pickle ball courts for customers waiting for their vehicles to be serviced and, perhaps, for those future customers who want to look at a car or two and enjoy an afternoon in the area. These more modern dealerships, including the recreational features, are springing up across the country in recent years and Mr. Burnett wants to be among the first to offer such an enjoyable experience here in our community. His present location on Hwy 85 on a fairly small tract of land surrounded by developed property cannot offer such opportunities.

In short, Mr. Burnett wants to build a first-class dealership in this area of the County that has changed from its rural past. He wants to set a high development standard for this intersection and for this part of the County. Rezoning the property to CC will allow him to do this.

- NOTES:**
1. REFERENCE DEED BOOK 647, PAGE 772 OF FAYETTE COUNTY RECORDS.
 2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

FLOOD STATEMENT:

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0084E & 13113C0103E, 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 38,874 FEET AND AN ANGULAR ERROR OF 00° 00' 04" 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 204,826 FEET. ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION.

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

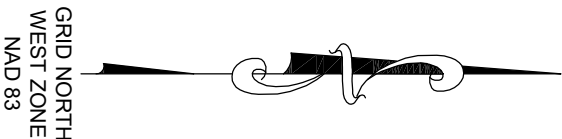
SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
981 Camp Ground Road Griffin Ga. 30223
sagaskins55@gmail.com 678-618-5067

JOHN 3.16

LEGEND

- D.B. = DEED BOOK
P.B. = PLAT BOOK
PG. = PAGE
F.W.P.D. = FIELD WORK PERFORMED DATE
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
N/F = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
RBF = REBAR FOUND
RBS = REBAR SET
RW = RIGHT OF WAY
U/P = UTILITY POLE
B/L = BUILDING LINE

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.



GRID NORTH
WEST ZONE
NAD 83

Prepared For:	
Dave Burnett	
1161 Highway 54 W. - TP#: 0521 018	Date: 6/20/2022
Scale: 1" = 60'	F.W.P.D.: 6/17/2022
County: Fayette, Ga	Land Lot: 128
	District: 5th
	Job No: SA22-068AB



GRAPHIC SCALE:

1" = 60'

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.

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

DATE 6 / 20 / 2022

S.A. GASKINS
& ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
981 Camp Ground Road Griffin Ga. 30223

sagaskins55@gmail.com

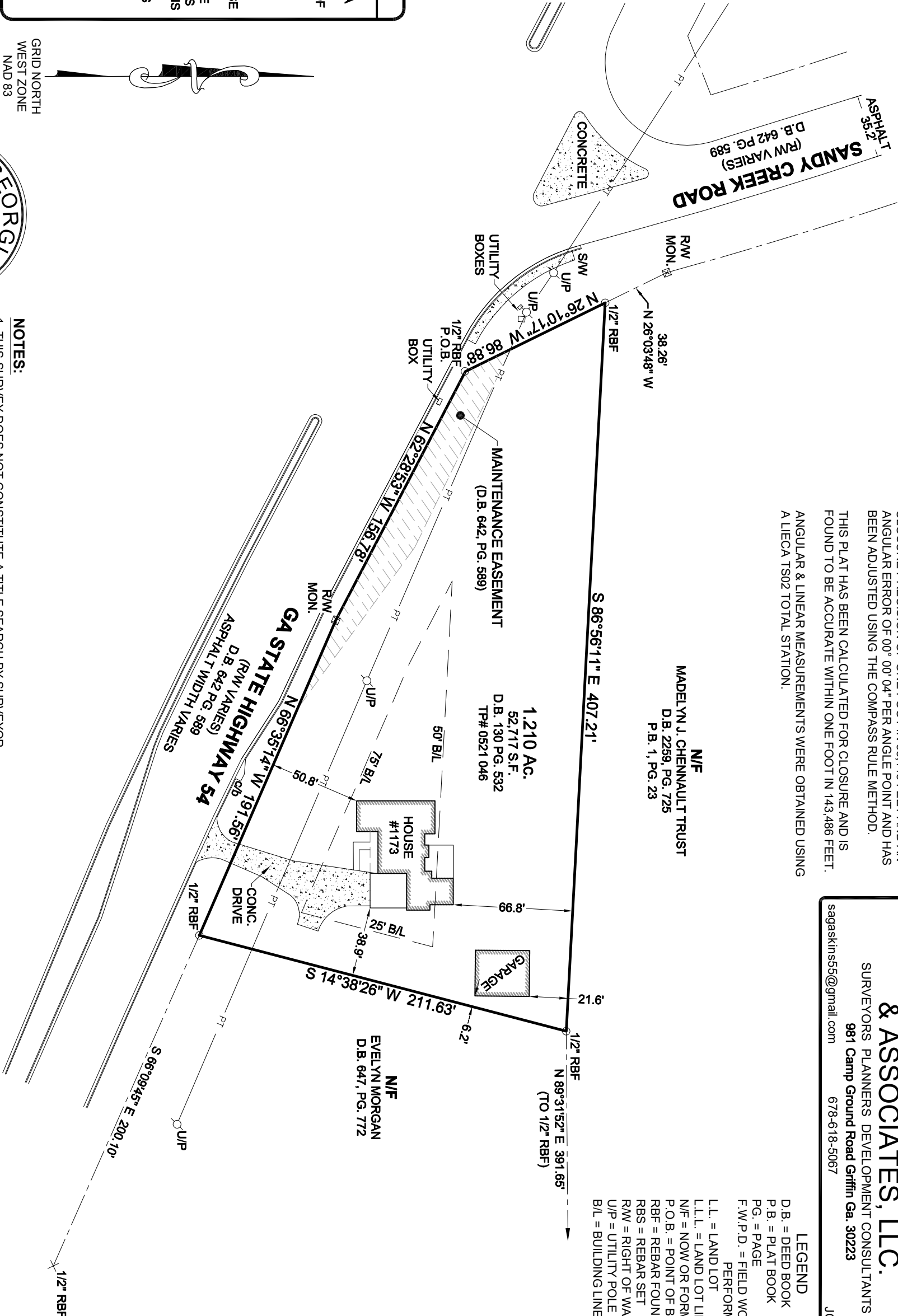
678-618-5067

JOHN 3.16

CLOSURE STATEMENT:
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,448 FEET AND AN ANGULAR ERROR OF 00° 00' 04" 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 143,486 FEET.
ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION.

- LEGEND**
- D.B. = DEED BOOK
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - F.W.P.D. = FIELD WORK PERFORMED DATE
 - L.L. = LAND LOT
 - L.L.L. = LAND LOT LINE
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 - P.O.B. = POINT OF BEGINNING
 - RBF = REBAR FOUND
 - RBS = REBAR SET
 - RMW = RIGHT OF WAY
 - U/P = UTILITY POLE
 - B/L = BUILDING LINE

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.



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.

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

DATE 6 / 20 / 2022

GRID NORTH
WEST ZONE
NAD 83

Prepared For:
Dave Burnett

1173 Highway 54 W. - TP#: 0521 046 Date: 6/20/2022
Scale: 1" = 60' F.W.P.D.: 6/17/2022 Job No: SA22-068A
County: Fayette, Ga Land Lot: 128 District: 5th

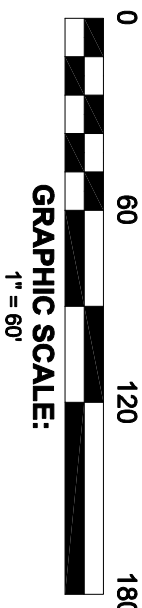


NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.
ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

FLOOD STATEMENT:

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C00084E,
DATED SEPTEMBER 26, 2008,
THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.



RECORD AND RETURN TO:
Lyssa M. Sampson, Esq.
330 East 49th St. #8G
New York, New York 10017

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 0
DATE 7-18-03
Sheila Steward
CLERK OF SUPERIOR COURT

FILED & RECORDED
FAYETTE COUNTY, GA.

'03 JUL 19 PM 4 50

SHEILA STEWARD, CLERK

STATE OF GEORGIA
COUNTY OF FAYETTE

QUITCLAIM DEED

THIS INDENTURE, made the 10th day of July, in the year of Two Thousand and Three, between MADELYN JOANNE CHENNAULT of the County of Fulton, and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MADELYN J. CHENNAULT and LYSSA M. SAMPSON, Trustees, or their successors in trust, under the MADELYN J. CHENNAULT LIVING TRUST, dated July 10, 2003, and any amendments thereto, 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: for and in consideration of one dollar (\$1.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said Grantee,

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lot 128 of the Fifth Land District, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at the northeast corner of said Land Lot 128, said corner being marked with an iron pin, and running thence south 2 degrees east along the east line of said Land Lot 128, a distance of 1,480 feet to an iron pin; running thence south 87 degrees 30 minutes west a distance of 899 feet to a point in the center of State Highway No. 54; running thence in a northwesterly direction along the center line of said State Highway No. 54, 210 feet; to the intersection of a County Road known as Sandy Creek Road; running thence in a northwesterly direction along the center of said Sandy Creek Road approximately 1,200 feet to a point where the line of the lands of Burness Adams crosses said road; running thence north 3 degrees west 127 feet to a point on the north line of said Land Lot 128; running thence north 88 degrees east along said Land Lot line 1,480 feet to the point of beginning and containing 44.5 acres, more or less, according to Plat of Survey by C. E. Lee, County Surveyor, dated April 17, 1956.

This being a portion of the lands described in a warranty deed from H. G. Crews to A. B. Hooper, dated November 10, 1955, and recorded in Deed Book 38, page 386, Fayette County records.

The above described lands conveyed subject to easement of record to the State Highway Department of Georgia for a right-of-way measuring 40 feet from the center line of State Highway No. 54, and to easement of record to Fayette County for right-of-way measuring 40 feet from the center line of Sandy Creek Road.

Being the same property conveyed by Warranty Deed from A. B. Hooper to B. Q. Chennault dated April 21, 1956, recorded in Deed Book 39, page 131, in the Office of the Clerk of the Superior Court of Fayette County, Georgia.

TOGETHER with all the rights, members, and appurtenances to the said described Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said premises to Grantee, so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said premises or its appurtenances.

BOOK 2253 PAGE 725

*See attached
for legal that
excludes Tract 2.*

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Madelyn Joanne Chennault
MADELYN JOANNE CHENNAULT

Josephine T. Jackson

(Unofficial Witness)

(Notary Public)



Notary Public-Fulton County, Georgia
Commission Expires December 9 2008

DATE _____
BY _____
RECEIVED _____

LEGAL DESCRIPTION FOR TRACT 1

All of that tract or parcel of land lying and being in Land Lot 128, 5th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at the common land lot corner of Land Lots 127, 128, 129 and 130 at a nail placed at the base of a bent open top pipe, thence running along the east land lot line of Land Lot 128 the following metes and bounds: S 01°55'12" W a distance of 1394.25' to a 1/2" rebar found; S 01°39'47" W a distance of 80.29' to a 5/8" rebar found; thence leaving said land lot line the following metes and bounds: S 89°29'56" W a distance of 391.95' to a 5/8" rebar found; N 86°55'48" W a distance of 407.11' to a 1/2" iron pin and plastic cap placed on the easterly right-of-way line of South Sandy Creek Road (having a variable right-of-way); then running along said right-of-way line of South Sandy Creek Road the following metes and bounds: N 26°07'10" W a distance of 38.21' to a concrete monument found; run northwest along the arc of a curve turning to the left with an arc length of 356.11', with a radius of 2331.83', with a chord bearing of N 19°30'38" W, with a chord length of 355.77' to a point; N 24°55'51" W a distance of 300.80' to a point; N 15°05'29" W a distance of 203.04' to a point; N 44°18'28" W a distance of 105.95' to a point; N 25°01'04" W a distance of 358.05' to a point; run northwest along the arc of a curve turning to the left with an arc length of 175.02', with a radius of 976.99', with a chord bearing of N 31°12'28" W, with a chord length of 174.79' to a 1/2 " iron pin and plastic cap placed; thence leaving said right-of-way line of South Sandy Creek Road, N 01°03'10" W a distance of 65.79' to a 1/2" iron pin and plastic cap placed on the north land lot line of Land Lot 128; thence running along said land lot line, N 89°56'50" E a distance of 1480.00' to a nail placed at the base of a bent open top pipe found and the POINT OF BEGINNING, containing 37.915 acres.

QUIT-CLAIM DEED

S & S Printers - Jonesboro

GEORGIA, FAYETTE COUNTY.

THIS INDENTURE, made this 17th day of July in the year of ourLord One Thousand Nine Hundred and Ninetybetween JOHN G. MORGAN, JR. of the first part,and EVELYN M. MORGAN of the second part,

WITNESSETH: That the said party of the first part for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and do es by these presents bargain, sell, remise, release, and forever quit-claim to the said party of the second part her heirs and assigns, all the right, title, interest, claim or demand which the said part y of the first part has or may have had in and to

ALL THAT TRACT or parcel of land lying and being in Land Lot 128 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To locate the true point of beginning, begin at the northeast corner of Land Lot 128; thence running south 2 degrees east along the east line of said Land Lot, 1,480.1 feet to the true POINT OF BEGINNING; thence running south 87 degrees, 30 minutes west 392.05 feet to a point; thence running south 16 degrees, 02 minutes west 211.6 feet to the northeasterly side of Georgia Highway #54; thence running southeasterly along the northeasterly side of Georgia Highway #54, 200 feet to a point; thence running north 43 degrees 14 minutes east 390.82 feet to the POINT OF BEGINNING.

THIS CONVEYANCE IS MADE PURSUANT TO FINAL JUDGMENT AND DECREE OF DIVORCE, BEING CIVIL ACTION FILE NUMBER 90-CV-0951, ENTERED December 7, 1990, 1990, IN THE SUPERIOR COURT OF HENRY COUNTY GEORGIA.

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 1-11-91
DATE 1-11-91
W. D. Ballard
CLERK OF SUPERIOR COURT

GEORGIA, STATE OF
Filed for Record
of Jan 11 1991
Book 636 Page 651
W. D. Ballard
Clerk

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said part y of the second part her heirs and assigns, so that neither the said part y of the first part nor his heirs, nor any other person or persons, claiming under him shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal the day and year above written.

Signed, sealed and delivered in presence of

JOHN G. MORGAN, JR. (Seal)

Witness

Notary Public

My Commission Expires Jan. 19, 1993

BOOK 636 PAGE 651 (Seal)

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Signed, Sealed and delivered in the presence of

Witness *Patricia L. Wafford* (SEAL) *Marion B. Gamble* (SEAL)

Notary Public *W. A. Ballard* MARY G. GAMBLE

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES hereby certifies that the debt secured by the within Security Deed recorded in the office of the Clerk of the Superior Court of Fayette County, in Book 251, Folio 657, has been fully paid and satisfied, and it hereby consents that the Security Deed be discharged of record.

Dated, November 20th 1990.

BOOK 636 PAGE 652

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

In presence of

William D. Williams
William D. Williams

Douglas L. Brown
Douglas L. Brown Vice President

Carolyn B. Williams
Carolyn B. Williams

Carolyn B. Williams
Carolyn B. Williams Assistant Secretary

Notary Public, DeKalb County, Georgia
My Commission Expires Oct 11, 1994

GEORGIA, FAYETTE COUNTY

Filed and Recorded

of Jan 9 1991 day

Book 636 Folio 652

No.

SECURITY DEED

The Equitable Life Assurance Society of the United States

STATE OF GEORGIA
COUNTY OF Fayette

CLERK'S OFFICE, SUPERIOR COURT

Filed for Record 11/22

Day of Feb. 1991

at 9:30 A.M. and Recorded

in Book 251 Folio 657

Feb 11 1991

By W. A. Ballard

-B.C.

Georgia Security Deed

601 RM 655

74-6

REGISTERED

DOC. REC. SEC.

me

My Commission Expires Feb. 26, 1985

GEORGIA, Fayette County
Clerk's Office Superior Court

Filed for record April 27th 1983
4:00 P.M.

Recorded in Book 226 Page 349
This 28th day of April 1983

W.A. Ballard
Clerk

ON Nov. 15/1990 THE FEDERAL HOME LOAN MORTGAGE CORPORATION
RECEIVED SATISFACTION IN FULL FOR THE PRINCIPAL AND INTEREST OF
A MORTGAGE, AND THE CLERK OF THE COUNTY OF
HEREBY AUTHORIZED TO CANCEL THE SALE OF RECORD.
Calettha Gould Stella Smith
CALETHA GOULD, ASSISTANT SECRETARY MARIA O. HORTON, ASST. TREASURER
Stella Smith

(Space Below This Line Reserved For Lender and Recorder)

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 17th day
of Jan 1981 9:00 A.M.
Book 636 Page 653
W.A. Ballard Clerk

BOOK 636 PAGE 653

WARRANTY DEED—FORM 87

STATE OF GEORGIA FAYETTE County.

THIS INSTRUMENT, Made this 8th day of December In the year of our Lord
One Thousand, Nine Hundred and Seventy-Two, between

TALMADGE W. MCCOLLUM
of the County of Fayette and State of Georgia of the first part; and

LEONARD R. EBERT AND JUDITH EBERT
of the County of Fayette and State of Georgia, of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
..... Ten Dollars and Other Valuable Considerations DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey
unto the said party of the second part, their heirs and assigns, all that tract
or parcel of land lying and being in Land Lot 128 of the 5th Land District of Fayette County,
Georgia, and being more particularly described as follows:

Commence at the Northeast corner of said Land Lot No. 128; run thence South 2
Degrees East, a distance of 1480.1 feet to an iron pin; run thence South 87
Degrees 30 Minutes West, a distance of 392.05 feet to the point of beginning;
and from the point of beginning thus determined, running thence South 87 Degrees
30 Minutes West, a distance of 507.95 feet to a point on the Northerly right-of-
way line of State Highway No. 54 (an 80 ft. right-of-way); running thence South
66 Degrees 30 Minutes East, along the Northerly right-of-way line of said State
Highway No. 54, a distance of 500 feet; running thence North 16 Degrees 2 Minutes
East, a distance of 211.60 feet to the point of beginning, being triangular in
shape and containing 1.22 acres according to Plat of Survey by David Soper,
County Surveyor, dated February 7, 1972.

This being the same property conveyed by Warranty Deed dated July 28, 1972, from
H. R. Ferguson to Talmadge W. McCollum and being recorded in the Fayette County
Deed Records.

This conveyance is made subject to the outstanding principal balance of a loan
in favor of Macon Federal Savings & Loan Association, secured by Deed to Secure
Debt from Talmadge W. McCollum dated July 28, 1972. Grantees herein agree to
pay said loan.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 10.30 Date 12-11-72
Clerk of Superior Court

FILED 12-11-1972
RECORDED 12-11-1972
W. A. Belland, Jr.
CLERK SUPERIOR COURT

TO HAVE AND TO HOLD the said bargained premises, together 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 Leonard R. Ebert and Judith Ebert the said parties of the
second part, their heirs and assigns, forever, in fee simple.
And the said party of the first part, for his heirs, executors, and administrators, will
warrant and forever defend the right and title of the above described property unto the said party of the
second part, their heirs and assigns, against the claims of all persons whomsoever.
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand
and affixed his seal, the day and year first above written.

Signed, sealed, and delivered in the presence of

Maryann L. Bayle
Maryann L. Bayle

Talmadge W. McCollum (Seal)
Talmadge W. McCollum (Seal)

BY-LA 1073

BOOK: 116 Page Sequence: 127

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

PROPERTY OWNERS: See attached

MAILING ADDRESS: See attached

PHONE: _____ E-MAIL: _____

AGENT FOR OWNERS: Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty)

MAILING ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214

PHONE: 404-569-4723 E-MAIL: chris@fayettevillefordga.com

PROPERTY LOCATION: LAND LOT 128 LAND DISTRICT 5th PARCEL 0521018
LAND LOT _____ LAND DISTRICT _____ PARCEL 0521046 & 0521012

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 40.5

EXISTING ZONING DISTRICT: R-70 PROPOSED ZONING DISTRICT: CC

ZONING OF SURROUNDING PROPERTIES: County: O-I, AR ; Fayetteville: R-70, OI, MO

PRESENT USE OF SUBJECT PROPERTY: Residential and vacant

PROPOSED USE OF SUBJECT PROPERTY: New car dealership and service center

LAND USE PLAN DESIGNATION: Office

NAME AND TYPE OF ACCESS ROAD: SR 54 (major arterial); Sandy Creek Rd (minor arterial)

LOCATION OF NEAREST WATER LINE: On property

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1321-22

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 1 Aug. 2022

DATE OF PLANNING COMMISSION HEARING: September 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: September 22, 2022

Received from LINDSEY LACY, P.C. a check in the amount of \$ 590.00 for application filing fee, and \$ 140.00 for deposit on frame for public hearing sign(s).

Date Paid: 7/29/2022 Receipt Number: 015475

NAMES OF OWNERS

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 10, 2003
420 East 79th St, #17G, New York, NY 10075 (brandolph@rwcre.net)

Evelyn Morgan

1161 Hwy 54 W, Fayetteville, GA 30214 (brandolph@rwcre.net)

Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles

1173 Hwy 54 W, Fayetteville, GA 30214 (brandolph@rwcre.net)

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:

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 27, 2004

Please Print Names

0521-012
Intersection of Highway 54 and South Sandy Creek
Road in Fayette County, GA

Property Tax Identification Number(s) of Subject Property:

(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) 128 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

44.4 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard 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.

Lyssa M. Sampson
Signature of Property Owner 1

420 E 79th St #176 New York, NY 10075

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Courtney Ferrissey
Signature of Notary Public
COURTNEY FERRISSEY
Notary Public, State of New York
Reg. No. 01166409438
Qualified in New York County
Commission Expires 09/28/2024

7/28/22
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Evelyn Morgan

Please Print Names

Property Tax Identification Number(s) of Subject Property:

0521-014
1164 Highway 54 West, Fayetteville, GA 30214

(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) 128 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 1.60 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chiswood & Richard 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.

DocuSigned by:

7/27/2022

E Morgan
Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

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:

Estate of Leonard R. Ebert, Deceased & Estate of Judith Ebert, Deceased

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0521-046
1178 Highway 51 West, Fayetteville, GA 30244
 (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) 128 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 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard 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.

DocuSigned by:
[Signature] 7/29/2022
 Signature of Property Owner 1

 Signature of Notary Public

 Address

 Date

 Signature of Property Owner 2

 Signature of Notary Public

 Address

 Date

 Signature of Property Owner 3

 Signature of Notary Public

 Address

 Date

 Signature of Authorized Agent

 Signature of Notary Public

 Address

 Date

NAME: Christopher Chitwood on behalf of David Burnett PETITION NUMBER: 1321-22

ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214

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

Christopher Chitwood and David Burnett affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CC.

This property includes: (check one of the following)

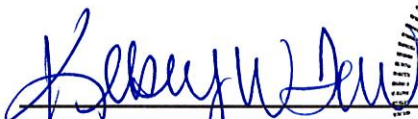
☐ See attached legal description on recorded deed for subject property or

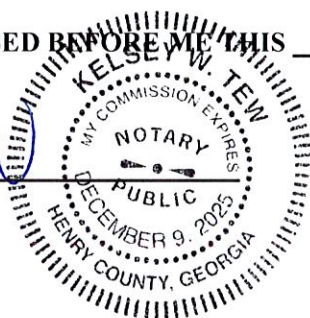
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 1st day of September, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of September, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29th DAY OF July, 2022,


NOTARY PUBLIC




APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, _____, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along _____ as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this _____ day of _____, 20_____.

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

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/.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- [X] 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 29th day of July, 2022.

C. J. Chitwood
APPLICANT'S SIGNATURE

Developments of Regional Impact

Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

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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.

CONSIDERATION OF LAND USE PLAN AMENDMENT

REQUESTED ACTION: Amend the Land Use Plan to change the L-C-1 designation for the area immediately adjacent to the intersection of SR 74 and SR 85 to Commercial.

PROPOSED LAND USE: Commercial

EXISTING USE: L-C-1, Limited Commercial One

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

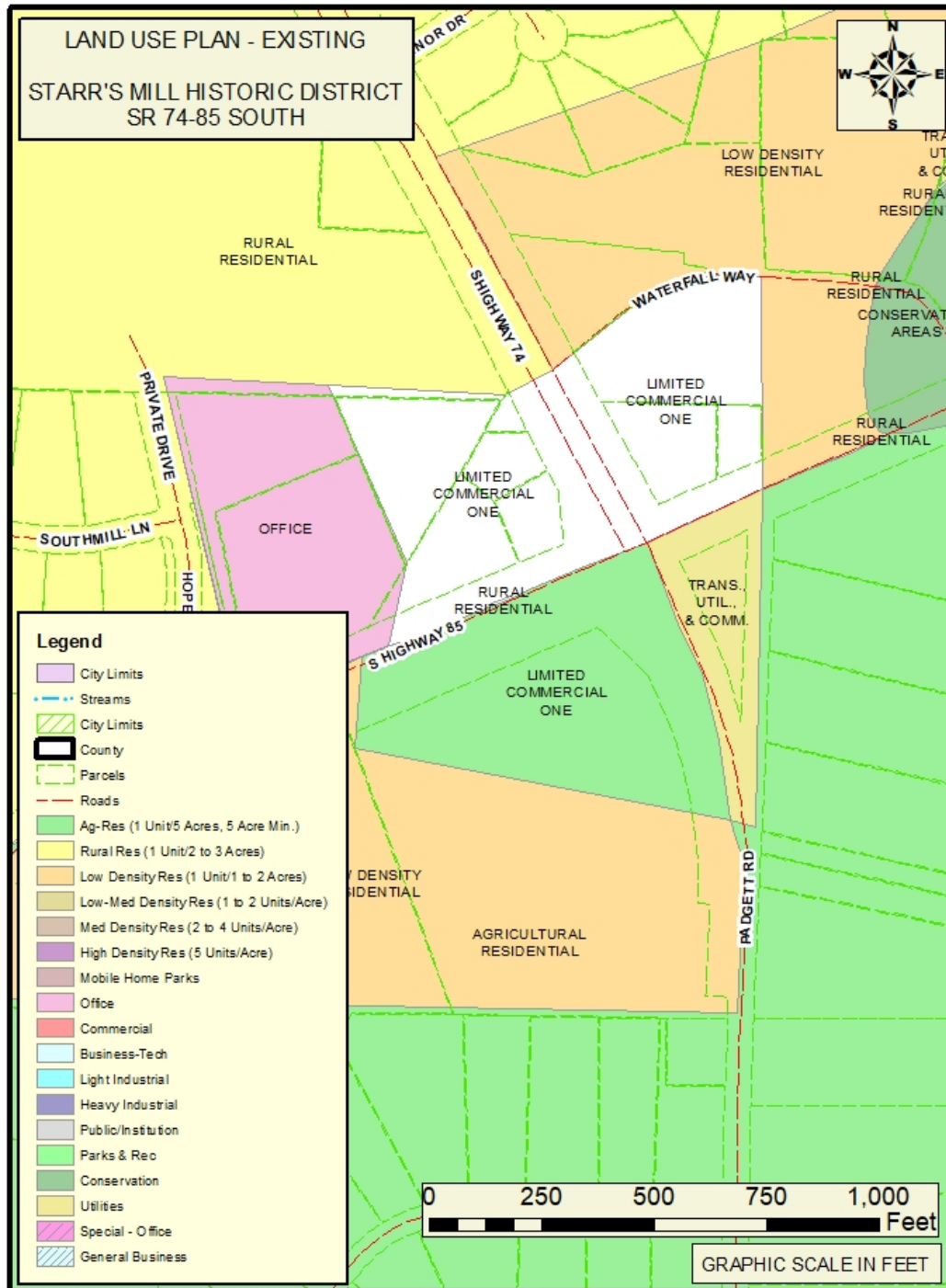
DISTRICT/LAND LOT(S): 6th District, Land Lot 8

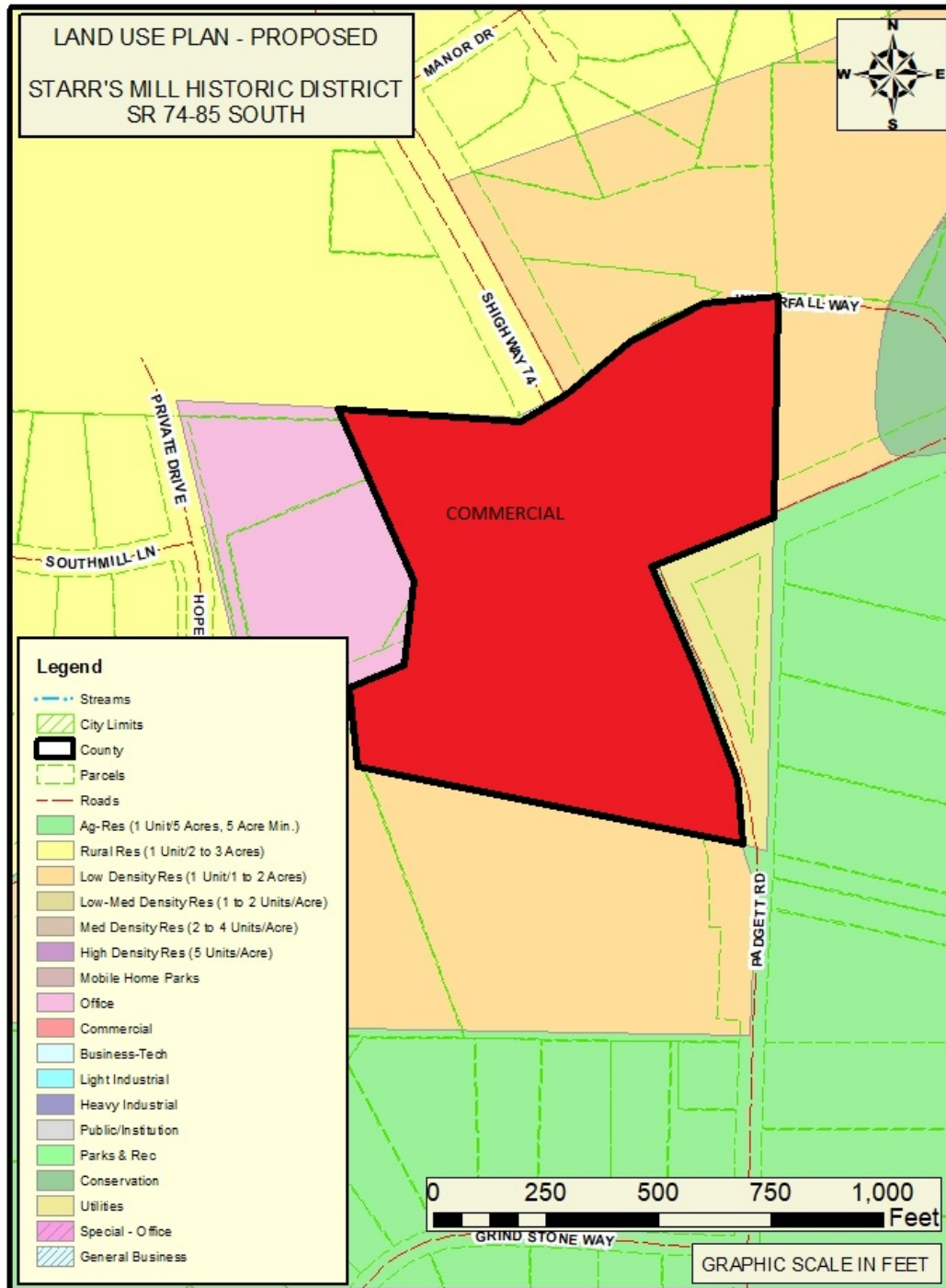
PLANNING COMMISSION PUBLIC HEARING: September 1, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: September 22, 2022

HISTORY

During discussions at the Planning Commission and Board of Commissioners meetings in February 2022, while considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area. As a result, the proposed change would remove the L-C-1 designation and replace it with COMMERCIAL. The architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place and the Commercial Land Use Designation will allow a wider variety of commercial and retail uses.





Land Use Element and Future Land Use Plan Map Amendments

Land Use Element

~~Limited Commercial One~~ (Page L-11)

~~This category designates properties where the Limited Commercial (1) District (L-C-1) zoning district is recommended. L-C-1 allows small-scale businesses which do not generate large amounts of traffic, noise or light are to be located.~~

~~SR 74, SR 85, & Padgett Road Intersection (Starr's Mill Historic District): This intersection is in close proximity to historic Starr's Mill. This area represents a newly developing nonresidential node where the L-C-1, (Limited Commercial (1) District) and O-I, Office-Institutional zoning districts are recommended as depicted on the Future Land Use Plan map. 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.~~

Historic District (Page L-22)

Starr's Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road Intersection: Starr's Mill is a significant historic resource in Fayette County. This Overlay District identifies the county's goals and recommendations for the Starr's Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road intersection. Both SR 74 and SR 85 are Major Arterials and serve as commuting routes. SR 74 connects to Peachtree City, Tyrone and Interstate 85 to the north. SR 85 runs through Fayetteville to Clayton County and connections to SR 92, SR 314, and SR 279 can be made along this route. The widening of SR 74 from two to four lanes was completed in early 2012. As a result of this project Padgett Road was realigned to alleviate its offset from SR 74. SR 85 is planned to be widened from two to four lanes in the future.

Historic Resources: Starr's Mill is located to the northeast of this intersection on Whitewater Creek. Starr's Mill is one of the most significant historical structures in Fayette County. The mill and surrounding property containing the mill pond is owned by the Fayette County Water System and serves as a water intake location and passive park. The present mill was built in 1888 and was central to the Starr's Mill Community that also contained a post office, stores, a church, a cotton gin, and a sawmill. These facts are discussed in the Natural and Historic Resources Element of the comprehensive plan.

Also located at the intersection in close proximity to Starr's Mill is the Starr's Mill Baptist Church. It is estimated that the church was constructed in 1887 according to the Natural and Historic Resources Element. The church is owned and utilized by New Hope Baptist Church which is located across SR 74.

Existing Development: Properties at this intersection are residentially zoned and the Future Land Use Plan designates these properties as residential. Most lots contain single-family residences with the exception of a lot of approximately eight acres that contains the aforementioned Starr's Mill Baptist Church. Some of the lots are nonconforming and a few are less than one acre in size. A legal nonconforming commercial structure was removed due to the realignment of Padgett Road.

Several single-family residential subdivisions are located in close proximity to the intersection. These subdivisions include Mill Pond Manor (R-45), Southmill (C-S), Starr's Mill Ridge (R-20), and Starr's Mill Estates (R-20). While Starr's Mill Estates is zoned for one acre lots, the lots range in size from four to eight acres.

Future Development: Due to the improvements to this intersection through the SR 74 widening project and the future widening of SR 85, it is anticipated that property owners at this intersection will pursue nonresidential development. The preferred development pattern is for properties closest to the intersection to contain the more intense uses and land use intensity will generally decrease in intensity as it moves away from the intersection. The maintenance of an efficient flow of traffic at this intersection is essential. The historic character of the area should be taken into consideration in the development of this area.

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), L-C-1, (~~Limited-Commercial (1) District~~) and L-C-2, (Limited-Commercial (2) District) are ~~not designated appropriate~~ for this area.

Future Land Use Plan Map Amendments – Change areas designated as Limited Commercial One to Commercial. Delete Limited Commercial One from the map legend.

PETITION NO: 1322-22

REQUESTED ACTION: A-R to C-C

PROPOSED USE: Commercial Development: Convenience Store with Retail

EXISTING USE: Vacant Land

LOCATION: S.R. Highway 85

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

OWNER: Robert C. Shell

AGENT: LDO Fayette, LLC, represented by Patrice Frady

PLANNING COMMISSION PUBLIC HEARING: September 1, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: September 22, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 12.582 acres from A-R to C-C to develop a convenience store with retail tenant space.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** because the request is consistent with the proposed amended elements to the Comprehensive Plan.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is a 12.582-acre tract fronting on S.R. 85 at the intersection with S.R. 74 and Padgett Road in Land Lot 8 of the 6th District. S.R. 85 & S.R. 74 are classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Padgett Road is classified as a Collector. A small farm pond on the site was not considered State Waters and was removed several years ago, although it still appears on old aerial photography.

The subject property is undeveloped and currently zoned A-R.

The area is designated for *L-C-1 (Limited Commercial One)* under the Starr's Mill Historic Overlay District, but this designation is proposed to be dropped in favor of *Commercial*, while remaining subject to all other requirements of the Overlay District.

B. SURROUNDING ZONING AND USES

The general situation is a 12.582-acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-20, C-C, and A-R. See the following table and the attached Zoning Location Map.

The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across SR 85)	1.45	C-C	Proposed C-Store with Retail	L-C-1 under the Starr's Mill Historic Overlay District & Low-Density Residential
South	5.6	R-20	5 parcels, Single-family Residential	Agricultural-Residential (1 Unit/5 Acres)
East	32.25	R-20	7 parcels, Single-family Residential	Agricultural-Residential (1 Unit/5 Acres)
West	7.1	A-R	Single-family Residential	Low-Density Residential (1 Unit/1 Acre)

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.

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 Comprehensive 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 4,800 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

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. 85 South and Padgett Road. Access must comply with the provisions of Section 104-55. of the Development Regulations and the Georgia D.O.T., as appropriate.

Concept Plan

The applicant is advised that the Concept Plan is for illustrative purposes only. Any deficiencies must be addressed at the time of submittal of the Site Plan, as applicable. Approval of this zoning petition does not constitute approval of the concept plan. It should be noted that the Concept Plan does not show buffers and setbacks for the outparcels, but those will be required to meet the Overlay standards.

Architectural Review

It is staff's opinion that, at present, these do not meet the requirements of the Overlay District but are an amalgamation of types listed in the ordinance. Staff recommends that the developer modify the elevations for a more consistent appearance, and for other elements outlined in the Overlay ordinance.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-27 of the Development Regulations, as applicable. Approval of this zoning petition does not constitute approval of the conceptual site plan.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available at this location along the north side of Hwy 85 in an 8" DIP water main.
- ☐ **Public Works/Environmental Management**
 - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 85** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0134E dated September 26, 2008, or 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 NO** known state waters located on the subject property.
 - **Groundwater** - The property **IS NOT** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The department has no comments on this rezoning.
- ☐ **Fire** – The department has no comments on this rezoning.
- ☐ **Georgia Department of Transportation** - The proposed development has not contacted GDOT for a preliminary review. GDOT advised that, due to the layout of the state route it will be difficult for GDOT to approve a full access off SR 74/85 since there would be a potential sight distance issue for the left turn movement.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

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 at this time. However, an amendment to the Land Use Plan is being presented for consideration that recommends changing the Land Use designation from 'Limited Commercial One' to 'Commercial and Office', while retaining the architectural requirements of the Starr's Mill Historic District Overlay. This will include the following non-residential land uses for the SMHD Overlay at the intersection: C-C, (Community Commercial District), C-H, (Highway Commercial District), L-C-1, (Limited-Commercial (1) District) and L-C-2, (Limited-Commercial (2) District).

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 permitted uses for L-C-1. However, it is staff's opinion that the proposed development does meet the general character requirements of the Starr's Mill Historic District Overlay Zone, which 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.

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. Although 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, the proposed amendment to the Land Use Plan supports this use.

STAFF RECOMMENDATION

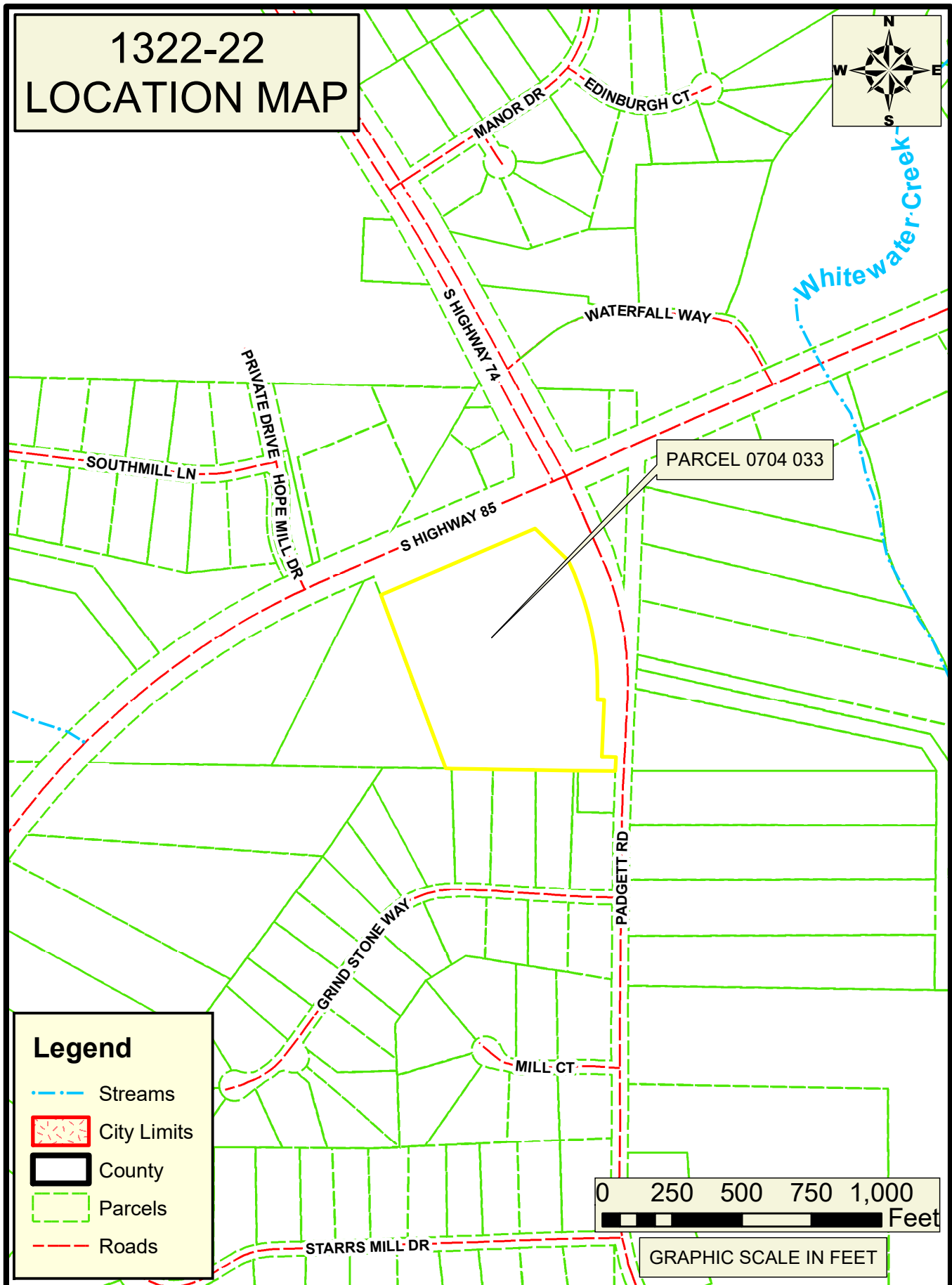
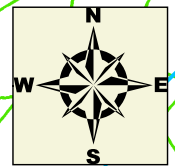
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL OF THE C-C ZONING DISTRICT WITH THREE (3) CONDITIONS.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved C-C 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. Padgett Road is a Collector per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet as measured from the existing centerline of Padgett Road.
2. Owner/applicant shall coordinate all access points with GDOTs proposed projects at the intersection of HWY 74 and HWY 85. Environmental Management will require GDOT approval prior to issuance of development permits.
3. Owner/applicant to provide documentation that access to 2598 Hwy 85 South will meet County Development Ordinances or be removed prior to Land Disturbance permits being issued. Additionally, any existing curb cuts on Padgett Road shall be removed.

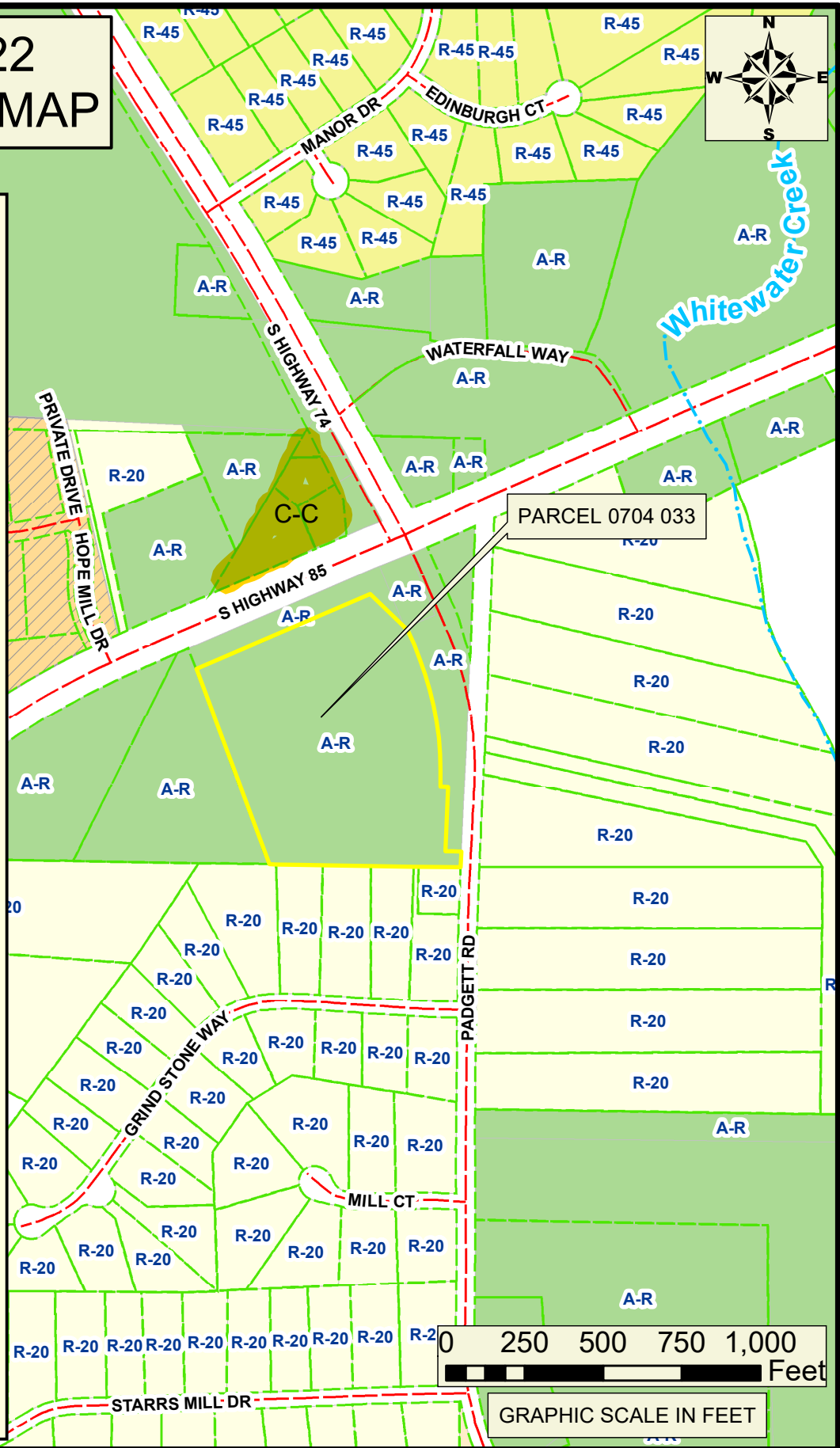
1322-22 LOCATION MAP



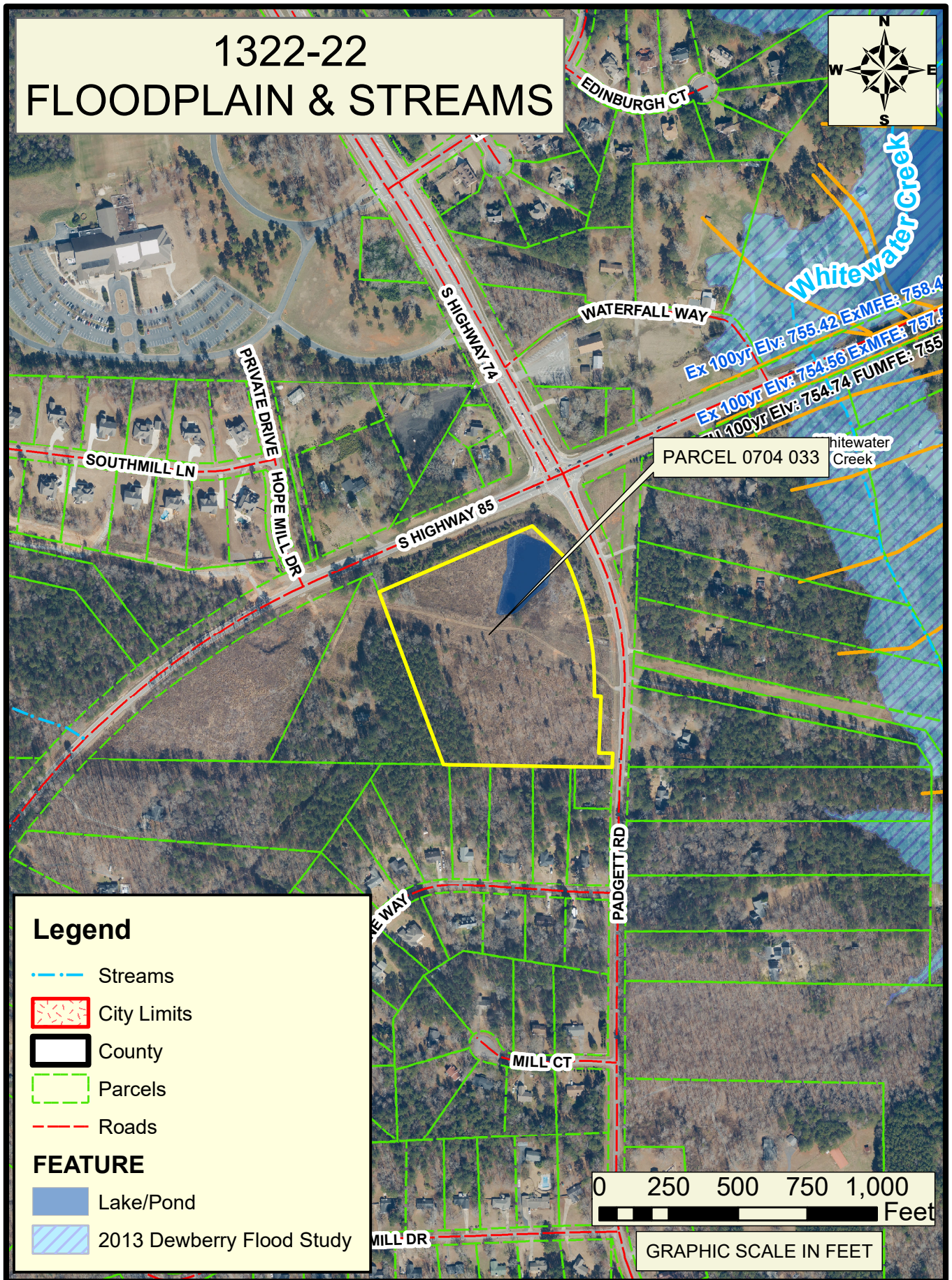
1322-22 ZONING MAP

Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z



1322-22 FLOODPLAIN & STREAMS



1322-22 AERIAL





1322-22 Highway 85



1322-22 Highway 85



1322-22 Padgett Road



1322-22 Padgett Road

LDO Fayette, LLC
270 North Jeff Davis Drive
Fayetteville, Georgia 30214

August 1, 2022

Board of Commissioners, Fayette County
Department of Community Development and Zoning
Attention: Debbie Bell, RLA, Interim Director
140 Stonewall Avenue W
Suite 203
Fayetteville, Georgia 30214

RE: Letter of Intent – Rezoning Application by LDO Fayette, LLC (the “Applicant”) for the property located at 119 Padgett Road, Senoia, Georgia (the “Property”), Fayette County

Dear Ms. Bell:

The rezoning application is being submitted on behalf of the owner and developer for the proposed Community Commercial (C-C) zoning on the 12.591 acre tract of land located at the intersection of Georgia Highway 85 and Padgett Road. The proposal is to construct a gas station, along with two commercial/retail properties. The proposed site entrances are located off Hwy 85 and Padgett Road.

The surrounding uses are as follows:

North: C-C, Community Commercial
East: R-20, Single Family Residential
West: A-R, Agricultural Residential (Single-Family)
South: R-20, Single Family Residential

Our proposal for Community Commercial, as it relates to these surrounding uses, is a viable option for the property. The subject property is in the Starr’s Mill Historic District Overlay Zone. This use will further advance the county’s desire to revitalize the area with a focus on preserving the historical architecture in the district.

The approval of this application would be consistent with the county’s previous zoning decision that occurred in February 2022 for properties located at Hwy 85 and Hwy 74. The current zoning does not pose a risk to the public health, safety, morals, or general welfare of the public, but there is no gain to the public for this Property to continue to remain largely undeveloped.

Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of Fayette County require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth

application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Fayette County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Fayette County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

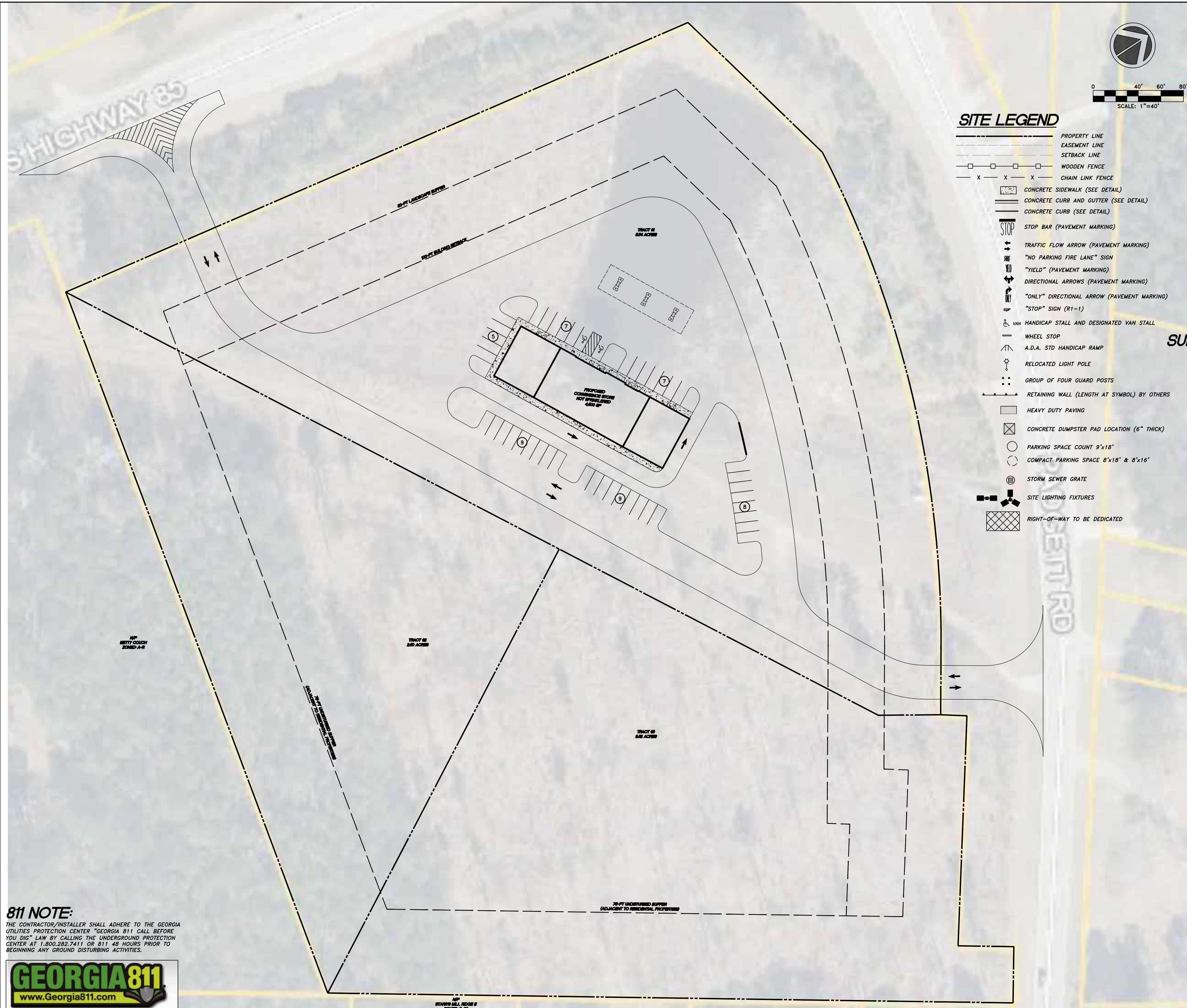
A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Fayette County to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, Fayette County would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Fayette County Planning and Zoning Commission, and/or Board of Commissioners, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Fayette County Planning and Zoning Commission, and/or Board of Commissioners, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a

unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the County an opportunity to approve the variances as requested by the Applicant. If action is not taken by the County to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Fayette County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



SITE LEGEND

- PROPERTY LINE
- EASEMENT LINE
- SETBACK LINE
- WOODEN FENCE
- CHAIN LINK FENCE
- CONCRETE SIDEWALK (SEE DETAIL)
- CONCRETE CURB AND GUTTER (SEE DETAIL)
- CONCRETE CURB (SEE DETAIL)
- STOP BAR (PAVEMENT MARKING)
- TRAFFIC FLOW ARROW (PAVEMENT MARKING)
- "NO PARKING FIRE LANE" SIGN
- "YIELD" (PAVEMENT MARKING)
- DIRECTIONAL ARROWS (PAVEMENT MARKING)
- "ONLY" DIRECTIONAL ARROW (PAVEMENT MARKING)
- "STOP" SIGN (R1-1)
- VAN HANDICAP STALL AND DESIGNATED VAN STALL
- WHEEL STOP
- A.D.A. STD HANDICAP RAMP
- RELOCATED LIGHT POLE
- GROUP OF FOUR GUARD POSTS
- RETAINING WALL (LENGTH AT SYMBOL) BY OTHERS
- HEAVY DUTY PAVING
- CONCRETE DUMPSTER PAD LOCATION (6" THICK)
- PARKING SPACE COUNT 9'x18'
- COMPACT PARKING SPACE 8'x18' & 8'x16'
- STORM SEWER GRATE
- SITE LIGHTING FIXTURES
- RIGHT-OF-WAY TO BE DEDICATED



VICINITY MAP

N.T.S.

SUBMITTAL NO.:

SUBMITTAL DATE

SUBMITTAL TO COUNTY - AUGUST 2, 2022

DEVELOPER INFO.

OWNER REPRESENTATIVE: PATRICE FRADY
PH: 404-290-7924
EMAIL: PFRADY@BRENTHOLDINGS.NET
PROJECT NAME: RETAIL DEVELOPMENT
OWNER'S INFORMATION: BRENT HOLDINGS, LLC
ADDRESS: 270 NORTH JEFF DAVIS DRIVE
FAYETTEVILLE, GEORGIA 30214

PARKING RATIO

	BUILDING SQ.FT.	REQ. SPACES	PROV. SPACES
CONVENIENCE STORE	4,000	14	15
RETAIL	2,000	7	10
RESTAURANT	2,000	20	20
TOTAL	8,000	41	45

FEMA NOTE:

ACCORDING TO FIRM PANEL: 13113C0134E,
DATED 9/26/2008, NO PORTION OF THE
SITE LIES WITHIN A FLOOD HAZARD AREA

PROJECT DATA

PROJECT NAME: RETAIL DEVELOPMENT
SITE ADDRESS/LOCATION: PADGETT ROAD AND STATE ROUTE 85
FAYETTEVILLE, GA
DEVELOPER/OWNERS REPRESENTATIVE: PATRICE FRADY
BRENT HOLDINGS, LLC
270 NORTH JEFF DAVIS DRIVE
FAYETTEVILLE, GEORGIA 30214
404-290-7924
PFRADY@BRENTHOLDINGS.NET
CURRENTLY ZONED: A-R
PROPOSED USE OF LAND: COMMERCIAL
TOTAL PROPERTY AREA: 12.582 ACRES
TRACT 1: 5.123 ACRES
TRACT 2: 7.459 ACRES
TOTAL DISTURBED SITE AREA: 1.455 ACRES
PROPOSED IMPERVIOUS AREA = 0.85 ACRES
PROPOSED GRASSED AREA = 0.605 ACRES
PARCEL NUMBER(S): 0604 004
STATE WATERS LOCATED: TRIBUTARY OF LINE CREEK
PROJECT NARRATIVE: THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND WITH A NEW GAS STATION AND RETAIL TENANTS WITH ONE NEW BUILDING FOR MULTIPLE TENANTS AND WILL INCLUDE ASPHALT PARKING LOTS, DUMPSTER LOCATIONS, INFRASTRUCTURE CONNECTIONS, LANDSCAPING AND OTHER SITE AMENITIES.
SETBACKS:
• FRONT - 100' BUILDING SETBACK
• SIDE - 50' BUILDING SETBACK
• REAR - 75' BUILDING SETBACK
• 50' LANDSCAPE BUFFER PER OVERLAY DISTRICT ALONG ROADWAY FRONTAGES
• 75-FT UNDISTURBED BUFFER IS REQUIRED ALONG PROPERTY LINES IN WHICH IT ABUTS RESIDENTIAL ZONED PROPERTY
PROPERTY IS LOCATED IN THE STATE HIGHWAY CORRIDOR OVERLAY DISTRICT
THIS PROPERTY IS TO BE SERVED BY FAYETTE COUNTY FOR WATER AND SEWER WILL BE ON PRIVATELY MAINTAINED SEPTIC SYSTEM
NO PORTION OF THE SITE LIES WITHIN THE LIMITS OF AN ESTABLISHED 100-YR FLOOD ZONE AS PER THE FIRM OF GEORGIA - FIRM MAP PANEL: 13113C0134E, DATED 9/26/2008.

811 NOTE:
THE CONTRACTOR/INSTALLER SHALL ADHERE TO THE GEORGIA UTILITIES PROTECTION CENTER "GEORGIA 811 CALL BEFORE YOU DIG" LAW BY CALLING THE UNDERGROUND PROTECTION CENTER AT 1.800.282.7411 OR 811 48 HOURS PRIOR TO BEGINNING ANY GROUND DISTURBING ACTIVITIES.



RETAIL DEVELOPMENT
119 PADGETT ROAD SENOIA, GA 30276
PREPARED FOR:
BRENT HOLDINGS, LLC
FAYETTE COUNTY, GEORGIA
TAX ID NO.: 0604 004

MASS
ENGINEERING AND CONSULTANTS, LLC
3459 ACWORTH DRIVE WEST RD. SUITE 605
ACWORTH, GEORGIA 30101
PHONE: 404.850.7790
WWW.MASS-ENG.COM
Copyright © 2022

REGISTERED
PROFESSIONAL
ENGINEER
P. MASSENAH
No. 1742

REVISIONS
DATE: DESCRIPTION
3/22/22 COUNTY COMMENTS

CONCEPT
SITE PLAN
PROJECT NUMBER:
22-0064
DATE:
JUNE 20, 2022
CSP

























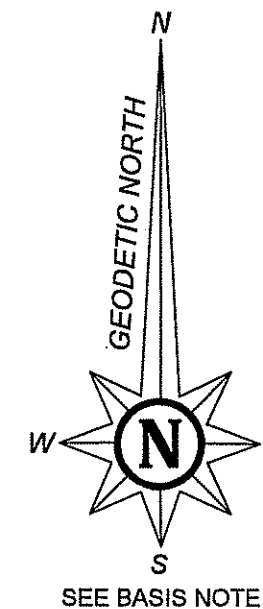


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1025.19'	515.09'	509.69'	S 11°53'29" E

NOTE: SEE DOT RIGHT-OF-WAY PLANS FOR
FEDERAL PROJECT # STP-209-(1) 2, LAST REVISED 8/5/2010.

LINE	BEARING	DISTANCE
L1	N 88°19'54" W	13.56'
L2	N 88°19'54" W	129.99'
L3	N 88°23'19" W	25.64'
L4	N 88°21'24" W	138.01'
L5	N 88°09'39" W	177.98'
L6	S 86°04'41" E	24.84'
L7	S 87°05'29" E	23.29'
L8	S 00°54'21" W	170.67'

THIS BLOCK IS RESERVED FOR THE
CLERK OF THE SUPERIOR COURT



LEGEND	
P/L	= PROPERTY LINE
R/W	= RIGHT OF WAY
IPF	= IRON PIN FOUND
RB	= REBAR
OTP	= OPEN TOP PIPE
LLL	= LAND LOT LINE
N/F	= NOW OR FORMERLY
DB	= DEED BOOK
PB	= PLAT BOOK
POB	= POINT OF BEGINNING
P	= OVERHEAD POWER LINE
⊙	= POWER POLE

CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 293,442 FEET. APPROXIMATELY 25% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON GTS 313 INSTRUMENT. APPROXIMATELY 75% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING THE CHC 201L GPS SYSTEM. IN STANDARD RTK MODE USING A 40-60 EPOCH OBSERVATION MODE. CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING CHC 201L GPS SYSTEM IN STATIC AND STANDARD RTK MODES. DATA WAS PROCESSED BY AND CORRECTIONS DERIVED FROM NGS OPUS POST-PROCESSING SOFTWARE.

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.

REGISTERED LAND SURVEYOR

3137
No.

7/29/22
DATE

GEORGIA HIGHWAY 85 ~ R/W VARIES

N 66°37'14" E 598.95'

30' ATLANTA GAS LIGHT EASEMENT
DB 2872, PG 67
(NO ABOVE-GROUND EVIDENCE OF
BURIED GAS LINE FOUND ON THIS PARCEL)

100' GEORGIA POWER EASEMENT

N/F
DUONG TRAN
DB 4721, PG 31
TP#: 604 003

APPROX. TOWER EASEMENT
TO BE ACCESSED VIA POWER LINE ACCESS.
POSSIBLY EXPIRED.
(SEE DB 353, PG 121)

12.591 AC.
548,481 SF
TP# 0604 004

NO RECORD OF POWER EASEMENTS
RECOVERED BY THIS SURVEYOR.

10'x10'
MEDIA 1 EASEMENT
(DB 1108, PG 644)

LL 8
LL 9

(TO 1/2" RB)

N 88°16'12" W 794.61'

IPF

1/2" RB

BOLT ON-LINE
30' FROM CORNER

L5

FENCE REMAINS
MEANDER ALONG P/L

L4

N/F
LOT 58
STARRS MILL III
WESLEY & DANA
MCKAY
DB 3512, PG 294
PB 19, PG 186
TP#: 060506023

N/F
LOT 59
STARRS MILL III
DAN & LORI COX
DB 3693, PG 549
PB 19, PG 186
TP#: 060506024

N/F
LOT 60
STARRS MILL III
ERIC MANDEL JR
DB 4977, PG 3
PB 19, PG 186
TP#: 060506025

N/F
LOT 61 - STARRS MILL III
BRANDON BARNES
DB 4974, PG 92
PB 19, PG 186
TP#: 060506026

(TO 5/8" RB)

S 01°34'11" W 272.54'

IPF

5/8" RB

S 01°34'07" W
49.84'

N/F
FEDERAL UTILITIES LLC
DB 3047, PG 214
TP#: 060506027

PADGETT ROAD ~ R/W VARIES

0 100 200 300
GRAPHIC SCALE:
1" = 100'

NOTES:

1. THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS GEODETIC NORTH, GA. WEST COORDINATE SYSTEM.
2. REFERENCE: SURVEY FOR ROBERT C. SHELL, BY CHARLES H. JACKSON, R.L.S. No. 2351, DATED SEPTEMBER 28, 2012.
3. THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. MAP No. 13113C0134E, DATED 9/28/2008.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
6. THE LAST DAY OF FIELD WORK WAS 7/22/2022.
7. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
8. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE PROPERTY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
9. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
10. BUILDING SETBACK INFORMATION SHOWN HEREON IS FOR THE FAYETTE COUNTY ORDINANCE FOR A-R ZONING CLASSIFICATION.

DATE: 7/29/2022

SCALE: 1" = 100'

ACREAGE: 12.591

CITY:

DRAWN: MWR

CHECKED: WLS

SHEET #: 1 of 1

PROJECT: SHELL PADGETT BD

No.

ISSUE

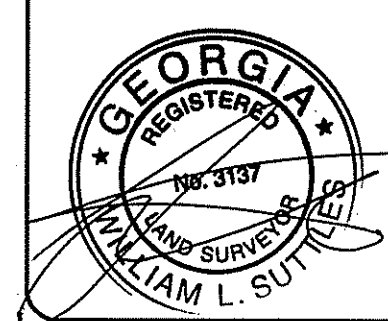
DESCRIPTION

DATE

BOUNDARY SURVEY FOR:

BRENT HOLDINGS, LLC

LAND LOT 8, 6th DISTRICT
FAYETTE COUNTY - GEORGIA



PREPARED BY:

W. LUKE SUTTLES, RLS

780 RAYMOND SHEDDAN AVE.
NEWNAN, GA 30265
(678) 378-5881

SHEET

1

OF

1

Specialine Security Deed

Georgia, _____ Coweta _____ County: BOOK 671 PAGE 636

THIS INDENTURE, made and entered into this 30th day of July, 19 91, between

Robert C. Shell

of the State of Georgia, County of Fayette, as party or parties of the first part, hereinafter designated "Grantor," and

Bank of Coweta

a Banking Corporation of the State of Georgia, as party of the second part, hereinafter designated "Grantee," (Grantee's Mailing Address being P. O. Box 1218, Newnan, GA 30264),

WITNESSETH: That for and in consideration of the sum of \$10.00 and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, and in order to secure Grantor's Specific Debt of Thirty Thousand and NO/100 Dollars (\$ 30,000.00) hereinafter described, and to secure also all other obligations of Grantor to Grantee set forth herein, Grantor has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey unto Grantee, the following described property, to-wit:

All that tract or parcel of land, situate, lying and being in Land Lot 8, of the Sixth Land District, Fayette County, Georgia containing 18½ acres, more or less, and bounded now or formerly as follows:

On the North by Willie Pink; on the East by lands of Murphy; on the South by lands of Daniel and on the West by lands of R. E. L. Fife Estate.

This being the same property as that conveyed by R. L. Mathews to J. P. Massengale by Warranty Deed dated July 6, 1928, and of record in Deed Book W, Page 60, Office of the Clerk, Fayette County Superior Court, EXCEPT that portion of land conveyed by Warranty Deed from J. P. Massengale to Flora Mae Whited dated October 16, 1956, and of record in Deed Book 39, Page 406, Office of the Clerk, Fayette Superior Court.

SATISFIED OF RECORD

THIS 7th DAY OF Jan 19 97
W. A. Ballard
 CLERK
 BOOK 1117-657

GEORGIA INTANGIBLE TAX PAID
 \$ 90.00
 9/9 19 97
Charlotte E. Shipp DE
 FAYETTE COUNTY
 TAX COMMISSIONER/COLLECTOR 9953

TO HAVE AND TO HOLD the said bargained property unto Grantee, together with all and singular the rights, members and appurtenances thereof to the same in any manner belonging or appertaining, to the own proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

Grantor covenants that he is lawfully seized and possessed of said property, that he has a good and unrestricted right to convey same, and that said property is free of any liens or encumbrances except such, if any, as may be expressly disclosed herein. And Grantor will forever WARRANT AND DEFEND the right and title thereof unto Grantee against the claims of all persons whosoever.

This indenture is not a mortgage but an absolute conveyance of said property made under the existing provisions of the Official Code of Georgia Annotated relating to conveyances of property to secure debt, the Specific Debt secured hereby being all indebtedness of Grantor to Grantee at any time arising and outstanding under and by virtue of that certain Specialine Account Agreement between Grantee and Grantor of even date herewith, by which Agreement Grantee agreed to make a loan of \$ _____ by way of principal advances from time to time drawn by or disbursed for Grantee upon terms and conditions therein specified. Said Specialine Account Agreement is made a part hereof by this reference. ~~It is not to be paid, and all such indebtedness will be deemed payable.~~

(Complete this box only if applicable. If not completed, the printed text of this box shall be deemed stricken and deleted.)

This conveyance is made subject to that certain prior security conveyance of said property made by dated _____, 19 _____, and recorded in the Deed Book _____ folio _____ in the office of the Clerk of the Superior Court of _____ County, Georgia.

BOOK 671 Page: 636 Seq: 1

This indenture secures not only the Specific Debt above described, but also renewals and extensions of same or any part thereof. Additionally, it secures all other and further indebtedness and liability of every nature, whether direct, indirect or contingent, that Grantor (or any one or more of Grantors, if there be more than one) may now or at any time hereafter owe to Grantee, whether as principal, maker, endorser, guarantor, indemnitor, surety or otherwise, whether individually and separately or jointly with others (and whether or not such others are parties hereto), and notwithstanding payment of said Specific Debt or surrender of any instrument evidencing same at any time (all indebtedness and monetary obligations of every nature herein contemplated and secured hereby, collectively, being sometimes herein called the "secured debt"). If any portion of the secured debt or of this indenture is held invalid for any reason, such portion shall be deemed severed, and such invalidity shall not affect the remaining portions thereof.

Grantor covenants and agrees that for as long as any part of the secured debt remains unpaid, Grantor shall: Make timely payment of all taxes, assessments and other charges that may be or become liens on said property; keep improvements on said property insured against fire, extended coverage perils, flood (if located in a Federally-designated special flood hazard area), and such other hazards as Grantee may require, in amounts and companies approved by Grantee, and make timely payment of all premiums for such insurance; cause the policies of such insurance and all renewals thereof to designate Grantee as an insured party thereunder, to be made payable to Grantee as its interest may appear, and to be delivered to Grantee; cause or allow no permanent structure on said property to be demolished, removed or materially altered without Grantee's prior written consent; keep said property and improvements repaired, maintained and preserved in as good condition as now exists, natural wear and tear excepted; pursue expeditiously to completion all improvements heretofore or henceforth commenced on said property; perform on a timely basis all obligations of Grantor imposed by any lease of said property made by or to Grantor, and all obligations incident to ownership of any condominium unit included in said property imposed by or in furtherance of the pertinent Condominium Declaration; make timely payment of all expense required for each of the foregoing; and, if any of said property is subject to a prior security deed, mortgage or security instrument of any nature, Grantor shall make timely payment of all debt secured thereby and allow no default to occur thereunder (and if foreclosure or other enforcement of any such instrument having priority over this indenture results in any overplus to which Grantor might be entitled, such overplus is hereby assigned to Grantee, and Grantee shall have the exclusive right to receive and collect same).

If any payment or other duty herein required of Grantor with respect to said property is not timely made or performed, Grantee at its option may make the required payment, perform the required duty and/or take any other action Grantee deems necessary to protect the property and Grantee's security interest therein, all at Grantor's expense. Without limitation, Grantee from time to time may advance and pay sums required for any such obligation of Grantor, procure any required insurance, enter upon and repair or complete improvements on the property, and otherwise preserve and safeguard said property and Grantee's interest therein, incurring in Grantor's behalf any expense Grantee deems necessary for the purpose. Any and each such advance made and expense incurred by Grantee shall bear interest from the date made or incurred at the "Default Rate" hereinafter defined, shall be immediately due and payable by Grantor to Grantee, and shall with interest be part of the secured debt. Grantee shall be subrogated to all claims and liens discharged or paid with the proceeds of any such advance, or with the proceeds of any loan or other advance secured hereby.

As further security, Grantor hereby assigns to Grantee all rents, issues and profits at any time accruing for said property, reserving only the right to collect same for his own use as long as he is not in default hereunder. In the event of such default and during the existence of same, Grantee at its option may rent the property, and (by whomsoever rented) receive and collect all rents therefor. For such purposes, Grantee may enter upon the property as necessary, employ real estate or rental agents, and pay reasonable commissions for their services, all at Grantor's expense. And whether or not there is a default hereunder, Grantee shall be entitled at its option to receive and collect all or any insurance proceeds payable by reason of loss or damage to said property, and all or any compensation payable for any taking or acquisition of said property or any part thereof by an authority exercising or threatening to exercise a power of eminent domain, Grantor hereby assigning to Grantee all such insurance proceeds and compensation.

In each case where Grantee is herein authorized to "receive and collect" sums payable for any reason to Grantor by other persons, Grantee at its option may demand, sue for, collect and receipt for same at Grantor's expense, and is hereby appointed as Grantor's attorney in fact for such purposes. Sums thus collected by Grantee shall be applied first toward payment of any attorney's fees and other expenses incurred in the collection, and then toward payment of the secured debt, in such order of application among its components as Grantee may elect.

For the purposes hereof, "Default Rate" shall mean a per annum rate of simple interest amounting to 2 percentage points above, and fluctuating at that level with the interest rate otherwise applicable to said SpecialLine Account.

Time is of the essence hereof, and of all obligations of Grantor secured hereby. In the event of any fraud or material misrepresentation on the part of Grantor with respect to said SpecialLine Account, or in the event of Grantor's failure to comply with the repayment terms of said SpecialLine Account Agreement (by failing to pay when due any sum required to be paid by Grantor thereunder), or in the event said property or Grantee's security interest therein is adversely affected by any action or inaction on the part of Grantor (whether voluntary or involuntary, and including but not limited to any sale of the property or transfer of title thereto without Grantee's prior written consent, any failure of Grantor to make payments or perform duties herein required of Grantor with respect to the property, any destruction or material damage of the property by fire or other casualty, the commencement of any bankruptcy or debtor relief or rehabilitation proceeding by or against Grantor, the appointment of a custodian or receiver for Grantor or to manage the property, or the commencement of foreclosure proceedings against the property by the holder of any security conveyance having priority over this indenture), any such occurrence or event shall constitute a default of Grantor hereunder. At any time or times during the existence of such default, Grantee shall be and is hereby fully authorized, at Grantee's option: (1) To declare accelerated and thereby render immediately due and collectible, without notice, the entire unpaid balance of all of the secured debt (both principal and interest lawfully collectible), whereupon all of the secured debt thus accelerated (excepting any unpaid interest and previously accrued at the Default Rate) shall thenceforth bear interest at the Default Rate; (2) With or without such acceleration, to seize and take possession of said property for its protection and preservation and/or

BOOK 671 PAGE 637

BOOK 671 PAGE 637

rent the same as above provided; (3) to have a receiver appointed for said property, without regard to Grantor's solvency or to Grantee's having an adequate remedy at law; and, (4) Whether or not pursuing any other remedy herein provided or otherwise available, Grantee shall be and is hereby expressly empowered to sell said property as a single parcel (or as several parcels, at Grantee's option) at public outcry, on a day and within the hours specified by law for sheriff's sales, at the Courthouse of the county where said property or any part thereof is located, after advertising such sale once a week for four weeks (without regard to the number of days) in the publication in which sheriff sales in and for said county are then advertised (all other notice being hereby waived by Grantor), and thereupon to execute and deliver to the purchaser a sufficient conveyance of said property in fee simple. Such conveyance may recite the happening of the default or event upon which Grantee's power of sale depends. Grantor hereby irrevocably appoints Grantee as his attorney in fact to make such sale and conveyance, and agrees that the conveyance so made by Grantee and all recitals therein made shall be binding and conclusive upon Grantor, and effective to divest Grantor of all equity of redemption and other rights Grantor may have in and to said property. Grantee or any person in its behalf may bid and purchase at such sale as though a stranger to the transaction. Grantee shall apply the proceeds of the sale first toward payment of the expense of advertising and conducting the sale (including but not limited to attorney's fees reasonably incurred), and then toward payment of the secured debt, in such order of application among its components as Grantee may elect. Grantee shall render the overplus, if any, to Grantor; and if there is a deficiency, Grantor shall forthwith pay the same to Grantee.

Grantor agrees that upon any such sale by Grantee, possession of said property shall be promptly surrendered to the purchaser, and that Grantor and all persons claiming under him or in possession of said property shall ipso facto become tenants at sufferance, and shall forthwith deliver possession to such purchaser or be summarily dispossessed as provided by law applicable to tenants holding over. Grantor waives and renounces all benefits and rights under any statute now or hereafter providing for confirmation of, limiting and abating deficiency judgments on, and advertising of sales of real estate under powers contained in security instruments, and agrees that all powers herein conferred upon Grantee shall have full force and effect notwithstanding any such statute.

All rights, remedies and powers herein conferred upon Grantee are coupled with an interest and irrevocable by death or otherwise. Same are cumulative of all other rights and remedies provided by law and otherwise available to Grantee, any and all of which may be exercised singly and independently or in such combinations and as often as Grantee from time to time may elect, and without waiving any default of Grantor hereunder. Neither Grantee's delay in exercising nor its failure to exercise any such right, remedy or power shall operate as a waiver thereof, and no single, partial, incomplete or ineffectual exercise of such shall bar Grantee's subsequent exercise of the same or any other right, remedy or power. Grantee's failure to act in the event of a default of Grantor shall not operate as a waiver of the same or any subsequent default.

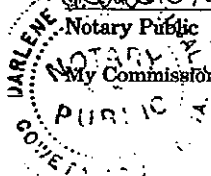
Wherever "Grantor" or "Grantee" or a pronoun relating to either appear herein, same shall be construed to mean both the singular and the plural, the masculine, feminine and neuter, and the natural person and the corporation, as the case may be, together with the heirs, executors, administrators, successors and assigns of the party or parties thus indicated; and if there be more than one Grantor herein, "Grantor" shall also mean each and all of them, jointly and severally.

GRANTOR KNOWINGLY AND VOLUNTARILY HEREBY EXPRESSLY WAIVES ANY RIGHT GRANTOR MIGHT NOW OR HENCEFORTH HAVE, UNDER THE CONSTITUTION OR LAWS OF GEORGIA OR OF THE UNITED STATES OF AMERICA, TO ANY NOTICE OR HEARING, JUDICIAL OR OTHERWISE, PRIOR TO GRANTEE'S EXERCISE OF ITS POWER OF SALE OR ANY OTHER RIGHT OR REMEDY HEREIN PROVIDED. Also, Grantor waives all rights of homestead exemption in said property.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Hazel E. Thompson
Darlene W. Massengale



Notary Public, Coweta County, Georgia
 My Commission Expires Feb. 22, 1993

Robert C. Shell (Seal)
Jean B. Shell (Seal)

GEORGIA, FAYETTE COUNTY
 FILED AND RECORDED THIS 9th DAY OF
 Sept, 1991 AT 10:00A. M.
W. D. Ballard, CLERK

119 PADGETT ROAD
SENOIA, GA
30276

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

PROPERTY OWNERS: Robert C Shell

MAILING ADDRESS: 16 Clark Street, Senoia, Georgia 30276

PHONE: 470-240-6207 E-MAIL: dcshell1313@gmail.com

AGENT FOR OWNERS: LDO Fayette, LLC attention: Patrice Frady

MAILING ADDRESS: 270 N. Jeff Davis Drive, Fayetteville, Georgia 30214

PHONE: 770-461-0478 E-MAIL: pfrady@brentholdings.net

PROPERTY LOCATION: LAND LOT 8 LAND DISTRICT 6TH PARCEL 0604-004
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 12.582 (Local Description 12.591)

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

ZONING OF SURROUNDING PROPERTIES: A-R, R-20, C-C

PRESENT USE OF SUBJECT PROPERTY: vacant/undeveloped

PROPOSED USE OF SUBJECT PROPERTY: commercial development

LAND USE PLAN DESIGNATION: L-C 1

NAME AND TYPE OF ACCESS ROAD: Padgett Road

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1322-22

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: AUG. 1, 2022

DATE OF PLANNING COMMISSION HEARING: SEPTEMBER 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: SEPTEMBER 22, 2022

Received from NISKEYTELL, LLC a check in the amount of \$ 390.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: AUG 1, 2022 Receipt Number: 015481

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:

Robert C Shell

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604 004

(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 12.582 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to LDO Fayette, LLC 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.

x Robert C. Shell

Signature of Property Owner 1

119 Barnett Road
Address Greola, GA

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Michelle Denise Walker

Signature of Notary Public

Date July 21

Signature of Notary Public

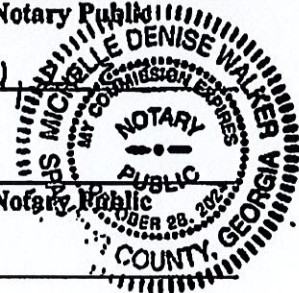
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: LDO Fayette, LLC PETITION NUMBER: 1322-22

ADDRESS: 270 N. Jeff Davis Drive, Fayetteville, Georgia 30214

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

LDO Fayette, LLC represented by Patrice Frady affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 6th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 1390.00 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

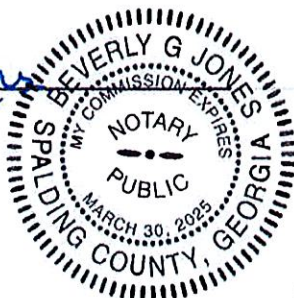
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 15th day of September, 20 22 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of September, 20 22 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____,


NOTARY PUBLIC




APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Robert C Shell, 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)

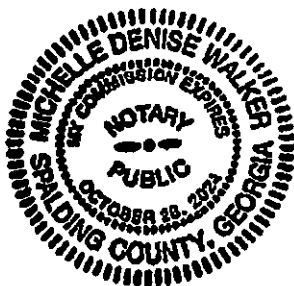
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 21st day of July, 2022.

Robert C. Shell
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Michelle Denise Walker
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/.
- 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 _____ day of _____, 20_____.

APPLICANT'S SIGNATURE

Developments of Regional Impact

Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

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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.