

BOARD MEMBERS

John H. Culbreth, Sr., Chairman
John Kruzan, Vice-Chairman
Danny England
Jim Oliver
Boris Thomas

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Christina Barker, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
May 2, 2024
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on April 4, 2024

PUBLIC HEARING

5. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.
6. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.
7. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

8. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road.
9. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District.

Meeting Minutes 4/4/024

THE FAYETTE COUNTY PLANNING COMMISSION met on April 4, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth Sr., Chairman
John Kruzan, Vice-Chairman
Danny England
Jim Oliver
Boris Thomas

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Christina Barker, Zoning Coordinator

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
Ms. Debbie Bell requested to amend the agenda to add the Preliminary Plat Renewal for Bernhard Farms.
Danny England made a motion to approve the agenda with the following item number 6 changed to read Approval of a Preliminary Plat for Bernhard Farms. The motion passed 5-0.
4. Consideration of the Minutes of the meeting held on March 7, 2024
John Culbreth called for a motion.
Danny England made a motion to approve the minutes of the meeting held on March 7, 2024. Jim Oliver seconded the motion. The motion passed 5-0.
5. Approval of Minor Final Plat for Sterling Ridge
Debbie Bell reviews that this is a request to approve a Minor Final Plat on Ebenezer Road and Ebenezer Church Road. This property was rezoned to A-R. Mr. Wright is proposing this development and staff has reviewed and approved this development.
Hello, I am Rod Wright, and I am requesting the approval of the Minor Final Plat for Sterling Ridge.
Danny England asks, "Debbie is this the same plat that Rod was in for last time and we had to table it for some right of way dedication?"
Yes, it was on the agenda and there were some utilities that were in the process of being installed and that took a little longer than anticipated.
Danny England stated, "Ok, from the county side we are good to go, and we can just move forward."
Debbie Bell, "Yes, everything is completed."
Danny England, "Ok, good deal."
John Culbreth asks for further questions by the commissioners and there are none. Mr. Culbreth requests a motion.
Danny England made a motion to approve the Minor Final Plat for Sterling Ridge. John Kruzan seconded the motion. The motion passed 5-0.

6. Approval of Preliminary Plat for Bernhard Farms

Debbie Bell discussed the Preliminary Plat for Bernhard Farms. It is a subdivision off Bernhard Road that is under construction and in progress, but they haven't quite gotten to the point of meeting the criteria to where they are allowed to continue, so this needs to be renewed. They are presenting this to you tonight to request the renewal of Preliminary Plat for two years.

Mr. Culbreth asked if the petitioner was present.

Ms. Bell stated that they were not present.

Mr. Culbreth asked if the commissioners had any questions on this Preliminary Plat approval.

Jim Oliver asked if there was any problem with the staff, or is everything good?

Ms. Bell stated that everything is good, and nothing has changed. In fact, they have submitted the construction drawings and that is underway but just hasn't been completed. So, this is more of a housekeeping item than anything else.

Mr. Culbreth requested a motion.

John Kruzan made a motion to approve the Preliminary Plat for Bernhard Farms. Jim Oliver seconded the motion. The motion passed 5-0.

PUBLIC HEARING

7. Consideration of Revised Development Plan RDP-017-24 Xavier Hill, owner; requests to remove Lot 10A from Lafayette Estates Subdivision. 119 Lafayette Dr. is 0.481 undeveloped acres. The property is located in Land Lot 219 of the 13th District and fronts on Lafayette Dr. – WITHDRAWN BY PETITIONER

Debbie Bell states, "Item 6 (now item 7 due to the addition of item 6 - Approval of Preliminary Plat for Bernhard Farms) was to be a Revised Development Plan RDP-017-24 to remove a lot from the Lafayette Estate Subdivision. The petitioner has withdrawn the application, so we have no public hearing tonight.

Mr. Culbreth asks do we need a motion to approve the withdrawal?

Ms. Bell, "Yes sir."

Danny England made a motion to allow the withdrawal of item 7 Revised Development Plan RDP-017-24. Boris Thomas seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 7:07 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN**

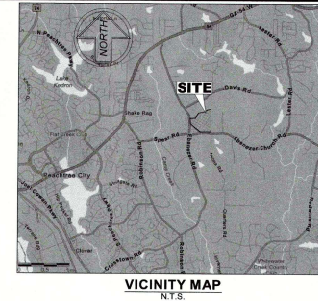
ATTEST:

**DEBBIE BELL
DIRECTOR, PLANNING & ZONING**

MINOR FINAL PLAT OF
STERLING RIDGE SUBDIVISION

LAND LOTS 35 & 36 7th. DISTRICT
FAYETTE COUNTY, GEORGIA

LOCATED AT EBENEZER ROAD &
EBENEZER CHURCH ROAD



RESERVED FOR CLERK OF THE SUPERIOR COURT

GENERAL NOTES:

- ACRES & LENGTH:**
 - TOTAL TRACT (SITE) ACRES= 84.97 ACRES
 - TOTAL AREA FOR 10 LOTS = 79.92 ACRES
 - NET DENSITY = 4.604 LOTS/ACRE
 - TOTAL AREA FOR OVERSPACE = 1.88 ACRES (2.4% OF SITE)
 - EBENEZER BYPASS+ AREA = 298 ACRES
 - EBENEZER BYPASS+ (DEDICATED ROAD LENGTH) = 1.491' (AT CENTER LINE)
- PARENT PARCELS:** 10 NUMBER: 7715.09
- TOTAL NUMBER OF LOTS = 10 LOTS**
- MINIMUM OVERSIZED REQUIREMENTS:**
 - MINIMUM LOT AREA PER DWELLING UNIT = 217,800 SQ. FT. (5 ACRES)
 - MINIMUM LOT WIDTH = 250 FEET (AT FRONT SETBACK)
 - FLOOR AREA = 1,200 SQ. FT.
- FRONT YARD SETBACK:**
 - MAJOR THOROUGHFARE: 10 FEET
 - ARTERIAL: 10 FEET
 - COLLECTOR: 10 FEET
 - MINOR THOROUGHFARE: 10 FEET
 - REAR YARD SETBACK: 10 FEET
 - SIDE YARD SETBACK: 10 FEET
 - HEIGHT LIMIT: 35 FEET (NOTION BARRIERS, SIGN, OR OTHER NON-BARRIERS UNOCCUPIED STRUCTURES EXCEPT WHEN OVER 35' HIGH MIN. DISTANCE FROM PROPERTY LINE SHALL BE MAINTAINED FOR EVERY EXCEEDING 2' OF HEIGHT)
- PREVIOUSLY ZONED - CS (CONSERVATION SUBDIVISION)**
- FLOOD INFORMATION:**
 - AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. - COMMUNITY PANEL NO. 4103200016 & 0103200016, DATED SEPTEMBER 28, 2008, A PORTION OF THIS PROPERTY IS LOCATED WITHIN DESIGNATED FLOOD HAZARD AREA.
 - AS PER FAYETTE COUNTY GIS, CURRENT & FUTURE FLOOD MAPS, A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD LIMITS - FLOOD HAZARD AREA (SEE SHEET 2 OF 2)
- LOTS TO BE SERVED BY:** PUBLIC WATER (FAYETTE COUNTY) SEWER AS PER INDIVIDUAL SEPTIC SYSTEM
- UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.**
- WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORP. OF ENGINEERS. LOT OWNERS MAY BE SUBJECT TO PENALTY OF LAW FOR DISTURBANCE TO THESE WETLANDS WITHOUT PROPER AUTHORIZATION.**
- THERE ARE NO EXISTING STRUCTURES OR DRIVEWAYS ON THIS PROPERTY.**
- THERE ARE NO EXISTING EASEMENTS ASSOCIATED WITH THIS PROPERTY.**
- THERE ARE NO EXISTING TOWN STRUCTURES ON THE PROPERTY.**
- THE PROPERTY IS LOCATED WITHIN A GROUNDWATER RECHARGE AREA.**
- NO CEMETRIES VISIBLE: THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR CEMETRIES, GRAVES, NOR ANY RELATED EVIDENCE THEREOF ABOVE OR BELOW GROUND.**
- NO BUCHANAN TOPSOIL FIRE HYDRANT LOCATED NEAR INTERSECTION OF EBENEZER ROAD AND EXISTING DRIVEWAY ROAD. ELEVATION: 458.62' (SEE SHEET 2 OF 2)**

SURVEY NOTES:

- ALL LOTS: MEET AND/OR EXCEED THE MINIMUM INTERSECTION SIGHT DISTANCE REQUIREMENTS.
- ALL LOT CORNERS SET BACK 10' (10') REBAR, UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAY AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.
- NO VISIBLE USGS MONUMENTS FOUND WITHIN 500' OF THIS SITE.

CONTIGUOUS AREAS (CA):

ENCLOSURE LOT HAS A MINIMUM CONTIGUOUS AREA OF 2 ACRES, THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.

ORDINANCE NO. 1332-23

APPLICANT: Wright Chaney Ebenezer Bypass, LLC
OWNER: Rod Wright and Ebenezer Bypass, LLC
AGENT: C.S. Miller
DATE: September 28, 2023
STATUS: APPROVED WITH THREE (3) CONDITIONS

An original is given to the Zoning Ordinance for Fayette County, 1980, for supplementing the C-8 Zoning District of Fayette County, as shown by the Official Zoning Map of Fayette County.

BE IT RESOLVED AND ORDERED BY the Fayette County Board of Commissioners:

Section 1: That the Official Zoning Ordinance for Fayette County, Georgia, of 1980, and the same hereby changed and amended as to include within the A-1 Zoning District of Fayette County the following described land:

All that part or parcel of land of the above-named applicant or her/his/their located in Land Lots 35 and 36 of the 7th District and being on Ebenezer Church Road and Ebenezer Bypass, particularly described as Exhibit "A" attached hereto and incorporated being included by the Zoning Administrator of Fayette County.

Section 2: That so much of said Zoning Ordinance for Fayette County, Georgia, of 1980, and the Official Zoning Map designating said land as included within the C-8 Zoning District of Fayette County and all other parts of said Ordinance or conflict herewith, be and the same are hereby repealed.

Section 3: That the Zoning Administrator of Fayette County, Georgia, be and he/she is, directed within reasonable time from date hereof, to amend the Official Zoning Map of Fayette County in conformity herewith.

Section 4: That this ordinance be of full force and effect from the date of its passage.

DULY APPROVED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, this 28th day of September 2023. The decision of the Board was by a majority of three (3) conditions required to A-1, Exhibit "A".

Attest: *[Signature]* For: *[Signature]* For: *[Signature]*
County Clerk: Ebenezer Bypass, LLC
County Clerk: Ebenezer Bypass, LLC
County Clerk: Ebenezer Bypass, LLC

Exhibit "A"
ORDINANCE NO. 1332-23

CONDITIONS

Once the right-of-way has been properly deeded to the County, Staff recommends CONDITIONAL APPROVAL.

- Each subdivision to be associated with the A-1 zoning shall be limited to two (2) lots. (Staff Note: A-1 zoning does not require the number of a subdivision driveway but staff believe it is appropriate to do so in this instance given the current C-8 zoning prohibition driveway onto Ebenezer Church Road and Ebenezer Road.)
- The entire parcel on the subdivision site of Ebenezer Bypass shall be deeded to and owned by the owners of parcel 071-028 (Ebenezer Bypass, LLC) and parcel 071-041 (Ebenezer Bypass, LLC) and the entire parcel shall be deeded to the County within 30 days thereafter.
- Prior to subdivision of a tract and parcel and regardless of the number of lots in the tract, the developer shall be required to extend the water line between Ebenezer Road and Ebenezer Church Road to provide water service to the lots. The water line extension shall be constructed to the standards outlined in Sec. 12-96. (Regulatory correction to permit water system including the installation of the hydrant.)

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
NO. 1332-23

WHEREAS, Wright Chaney Ebenezer Bypass, LLC, Owners, Rod Wright and Ebenezer Bypass, LLC, having come before the Fayette County Board of Commissioners to the Board of Commissioners on September 28, 2023, request an amendment to the Official Zoning Map pursuant to the Zoning Ordinance of Fayette County, Georgia, 1980; and

WHEREAS, said request was to amend the Official Zoning Map to include within the C-8 Zoning District of Fayette County the following described land:

All that part or parcel of land of the above-named applicant or her/his/their located in Land Lots 35 and 36 of the 7th District and being on Ebenezer Church Road and Ebenezer Bypass, particularly described as Exhibit "A" attached hereto and incorporated being included by the Zoning Administrator of Fayette County.

NOW, THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on September 28, 2023, be and the same are hereby repealed.

SO RESOLVED this 28th day of September 2023.

FAYETTE COUNTY
BOARD OF COMMISSIONERS

[Signature]
County Clerk: Ebenezer Bypass, LLC

DRAWING INDEX	
SHEET #	DESCRIPTION
1	COVER SHEET
2	MINOR FINAL PLAT

SURVEYOR:
SIBLEY-MILLER SURVEYING & PLANNING, INC.
212 WEST CAMPGROUND ROAD
MCDONOUGH, GA 30253
CONTACT: TIM MILLER, R.L.S.
PHONE: (770) 320-7555

FAYETTE COUNTY SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE; AND THEIR LOCATIONS, SIZES, TYPES AND MATERIALS ARE CORRECTLY SHOWN.

TIM L. MILLER, R.L.S. # 3150
DATE: 10/16/2023

SURVEYOR'S CERTIFICATION:

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATIVE OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW AND HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,426 FEET AND AN ANGULAR ERROR OF .001" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED: TOPCON GTS-313

GEORGIA SURVEYORS CERTIFICATION:

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR 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.

[Signature]
TIM L. MILLER, R.L.S. # 3150
DATE: 10/16/2023

OWNER / DEVELOPER:
RODRIGHT CORP.
P.O. BOX 628
FAYETTEVILLE, GA 30214-0628
PHONE: (770) 460-6008
FAX: (404) 168-8576
24 HOUR CONTACT
RODRIGHT
PHONE: (770) 294-7990
tresdiv@tds@gmail.com

OWNER'S CERTIFICATE

I, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE SUBJECT PROPERTY, I HEREBY AUTHORIZE THE SUBMITTAL OF THIS FINAL PLAT TO THE SUPERIOR COURT OF MY COUNTY.

RODRIGHT CORP.
DATE: 10/16/2023

WE, THE UNDERSIGNED OWNER(S) AND/OR MORTGAGEE(S) OF THE STERLING RIDGE SUBDIVISION, HEREBY OFFER TO DEDICATE AND / OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

RODRIGHT CORP.
DATE: 10/16/2023

ALL PROPERTY CONTAINED WITHIN THE RIGHT-OF-WAY OF ALL NEW STREETS AND ALL EXISTING STREETS ADJACENT TO THE SUBDIVISION AS INDICATED HEREON, ARE HEREBY DEEDED TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, AT NO COSTS TO FAYETTE COUNTY UNLESS RECORDED ON SAID MINOR FINAL PLAT WITH THE FAYETTE COUNTY CLERK OF SUPERIOR COURT.

FAYETTE COUNTY APPROVALS:

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
[Signature] DATE: 10/16/2023
ENVIRONMENTAL HEALTH

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT
[Signature] DATE: 10/16/2023
ENVIRONMENTAL MANAGEMENT

APPROVED BY FAYETTE COUNTY ENGINEER
[Signature] DATE: 10/16/2023
COUNTY ENGINEER DESIGNER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION SECRETARY
[Signature] DATE: 10/16/2023
PLANNING COMMISSION SECRETARY DESIGNER

APPROVED BY THE FAYETTE COUNTY ZONING ADMINISTRATOR
[Signature] DATE: 10/16/2023
ZONING ADMINISTRATOR DESIGNER

APPROVED BY THE FAYETTE COUNTY FIRE MARSHAL
[Signature] DATE: 10/16/2023
FIRE MARSHAL DESIGNER

FAYETTE COUNTY STORM DRAIN SYSTEM:

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

FAYETTE COUNTY WATER SYSTEM NOTE:

IF LOTS ARE TO BE SERVED BY THE FAYETTE COUNTY WATER SYSTEM FROM AN EXISTING WATER MAIN, TAPS AND SERVICES SHALL BE PROVIDED AT THE DEVELOPERS/OWNER'S EXPENSES AND ALL APPLICABLE METER AND AVAILABILITY FEES SHALL BE APPLIED. WATER MAIN TAPS SHALL BE OBSERVED BY WATER SYSTEM PERSONNEL WITH A 48 HOUR LEAD TIME - 770-461-1146 (OPTION 1).

SIBLEY-MILLER SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
MCDONOUGH, GA 30253
PHONE: (770) 320-1555
FAX: (770) 320-7333
www.sibleysurveying.com

*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT/DESIGN
*CONSTRUCTION LAYOUT
*CIVIL ENGINEERING
*LAND PLANNING
*LAND SURVEYING

SIBLEY-MILLER SURVEYING & PLANNING INC.
(ALL RIGHTS RESERVED)

PURSUANT TO THE AGREEMENT BETWEEN SIBLY AND THE PARTY FOR WHICH THESE DOCUMENTS HAVE BEEN PREPARED, THESE DOCUMENTS AND ALL DATA, PLANS, SPECIFICATIONS, AND OTHER INFORMATION CONTAINED HEREIN ARE THE SOLE AND EXCLUSIVE PROPERTY OF SIBLY, AND MAY BE USED ONLY IN CONNECTION WITH THE PROJECT FOR WHICH THESE DOCUMENTS HAVE BEEN PREPARED AND FOR NO OTHER PURPOSES. ANY UNAUTHORIZED USE OF THESE DOCUMENTS SHALL BE WITHOUT LIABILITY TO SIBLY AND SUBJECT TO REASONABLE COMPENSATION BY THE USER AS DETERMINED BY SIBLY. ALL RIGHTS OF THIS DESIGN ARE RESERVED.



REVISIONS		
NO.	DATE	DESCRIPTION
1	12/15/23	ADDRESSED COUNTY REDLINE COMMENTS.

MINOR FINAL PLAT OF
STERLING RIDGE SUBDIVISION
84.976 ACRES
LAND LOT 35 & 36, 7th. DISTRICT
FAYETTE COUNTY, GEORGIA

PROJECT #: 82021024
MINOR FINAL PLAT
STERLING RIDGE

DRAWN BY: JWS
SCALE: 1" = 100'
DATE: 10/16/2023
REVISED BY: JWS
DATE: 10/16/23
SHEET SIZE: 24" x 36"
SHEET 1 OF 2

PETITION NO: 1345-24 -A-B-C

REQUESTED ACTION: Rezone from A-R to R-50

PARCEL NUMBER: 1345-24 A: 0722 003 – 0.964 Acres
1345-24 B: 0722 062 – 17.171 Acres
1345-24 C: 0722 010 – 1.137 Acres

PROPOSED USE: Single-Family Residential Subdivision

EXISTING USE: Agricultural/Residential

LOCATION: Ellison Road

DISTRICT/LAND LOT(S): 7th District, Land Lot 85

ACREAGE: 19.272 acres, total of 3 parcels

OWNER(S): David Asa Lamb

APPLICANT: LDO Fayette, LLC

AGENT: Randy Boyd

PLANNING COMMISSION PUBLIC HEARING: May 2, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: May 23, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 19.272 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

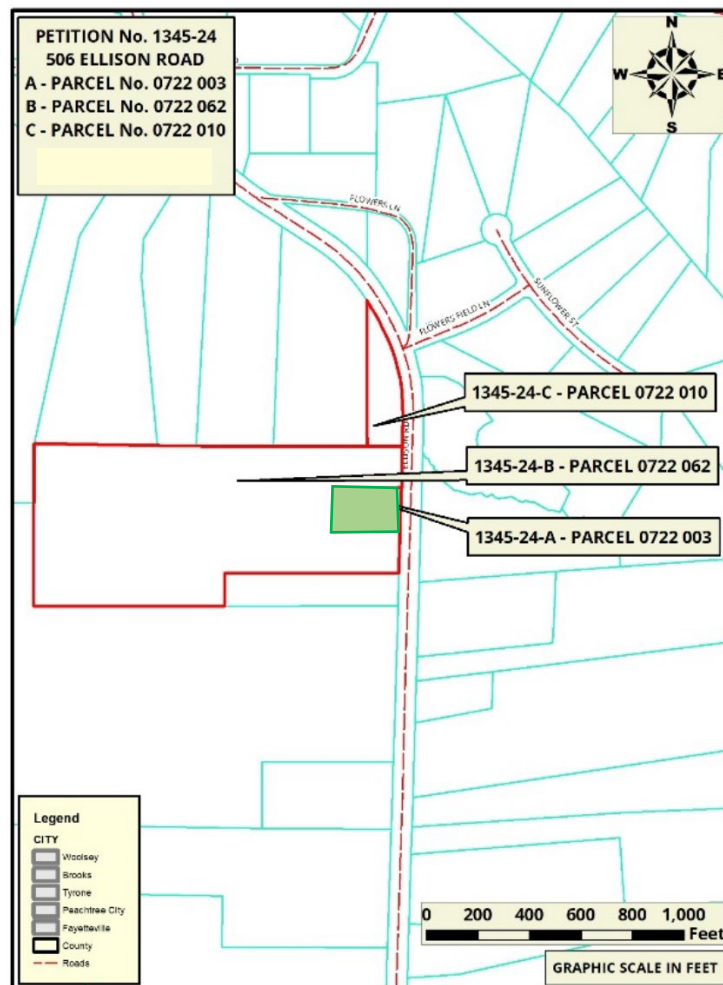
STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. All three parcels are legal lots of record in the A-R zoning district. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue. The existing house on parcel 07220 003 does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended. Please refer to pages 2 – 4 for parcel-specific recommendations.

Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-A, Parcel No. 0722 003; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

RECOMMENDED CONDITIONS FOR PETITION No. 1345-24 A [Parcel No. 0722 003]

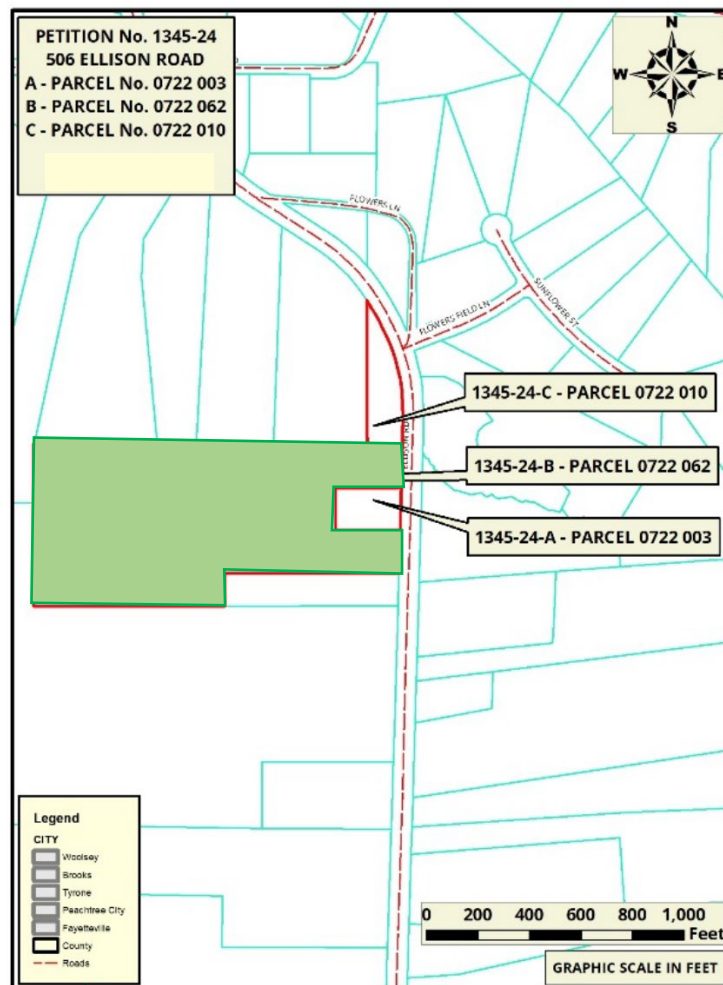
1. Within 90 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel #0722 003.
2. Within 90 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-B, Parcel No. 0722 062; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

RECOMMENDED CONDITIONS FOR PETITION No. 1345-24 B [Parcel No. 0722 062]

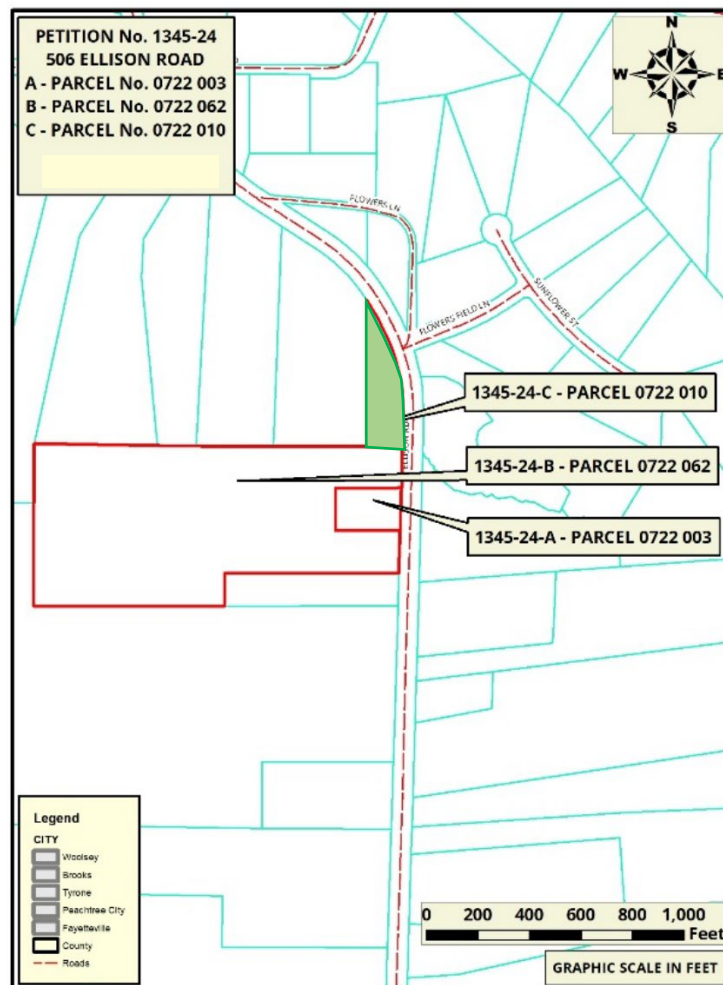
1. Within 90 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel #0722 062.
2. Within 90 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-C, Parcel No. 0722 010; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

RECOMMENDED CONDITION(S) FOR PETITION No. 1345-24 C [Parcel No. 0722 010]

1. Within 90 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



INVESTIGATION

A. GENERAL PROPERTY INFORMATION

All three parcels are legal lots of record in the A-R zoning district. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue.

The existing house on parcel 07220 003 does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended.

This property is not located in an overlay zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

Parcel A contains a single-family residence.

Parcel B contains a barn.

Parcel C is vacant.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R and R-70. 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	26	A-R	Single Family Residential	Low Density Residential (1 unit/1 acre)
East (across Ellison)	44	R-70	Undeveloped; Single Family Residential	Low Density Residential (1 unit/1 acre)
South	40	A-R	Undeveloped; Single Family Residential;	Low Density Residential (1 unit/1 acre)
West	20	A-R	Undeveloped; Single Family Residential; Agricultural	Low Density Residential (1 unit/1 acre)

E. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential on the Future Land Use Plan map. This request does conform to the Fayette County Comprehensive Plan.

F. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Ellison Road.

Site Plan: The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

G. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available on Ellison Rd in an 8' in water main. Every lot of a proposed subdivision shall be supplied with adequate water and wastewater facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or wastewater facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
- ☐ **Public Works/Engineering**
 - **Road Frontage & Right of Way Dedication** - No dedication required, Ellison Road is already an 80 ft. R/W.
 - **Traffic Data** - There is no traffic data for Ellison Road
 - **Sight Distance** -- Minimum sight distances will have to be satisfied for the proposed new road intersection.
- ☐ **Environmental Management** - No objections.
 - **Floodplain Management** -- The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008.
 - **Wetlands** -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
 - **Watershed Protection** -- There ARE state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
 - **Groundwater** -- The property IS within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development WILL BE subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning of this property. This does not constitute endorsement of the use or designation of one acre lots. For residential housing, septic systems will be required for this location.
- ☐ **Fire** – Hydrants required due to number of lots and proximity to available water on Ellison Road.
- ☐ **GDOT** – n/a

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 Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal is not likely to adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-135. R-50, Single-Family Residential District.

(a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-50 zoning district:

- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

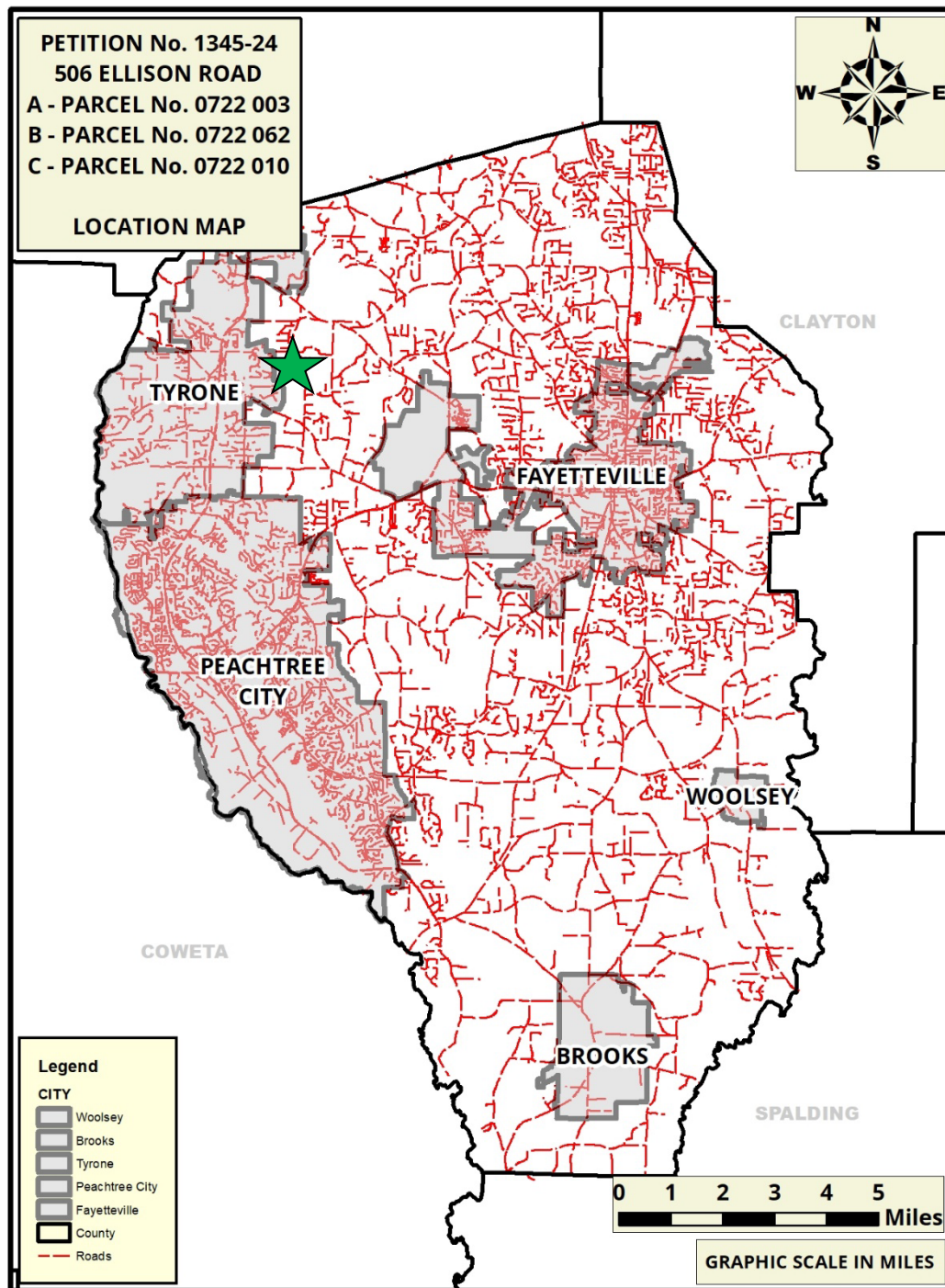
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

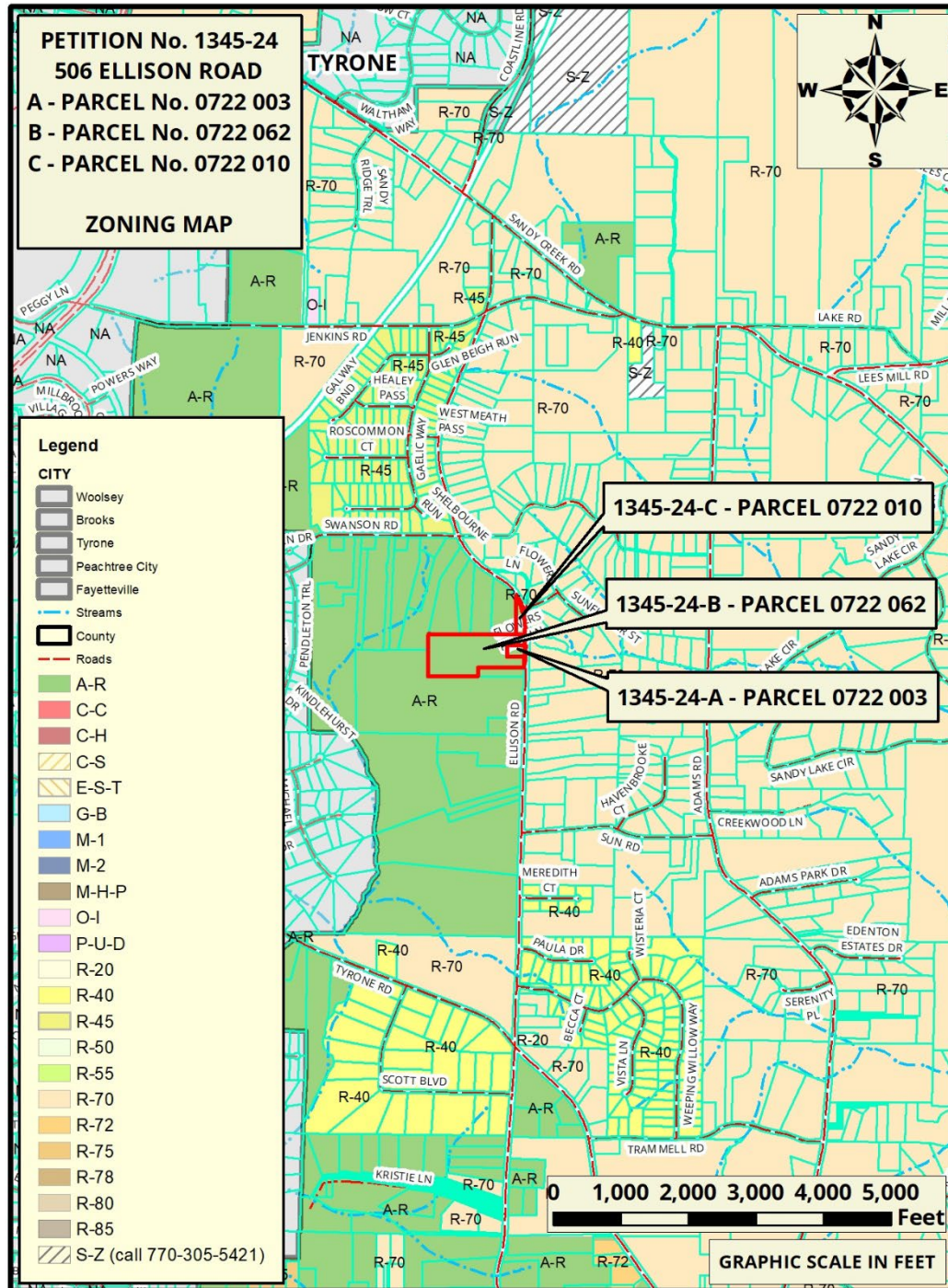
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

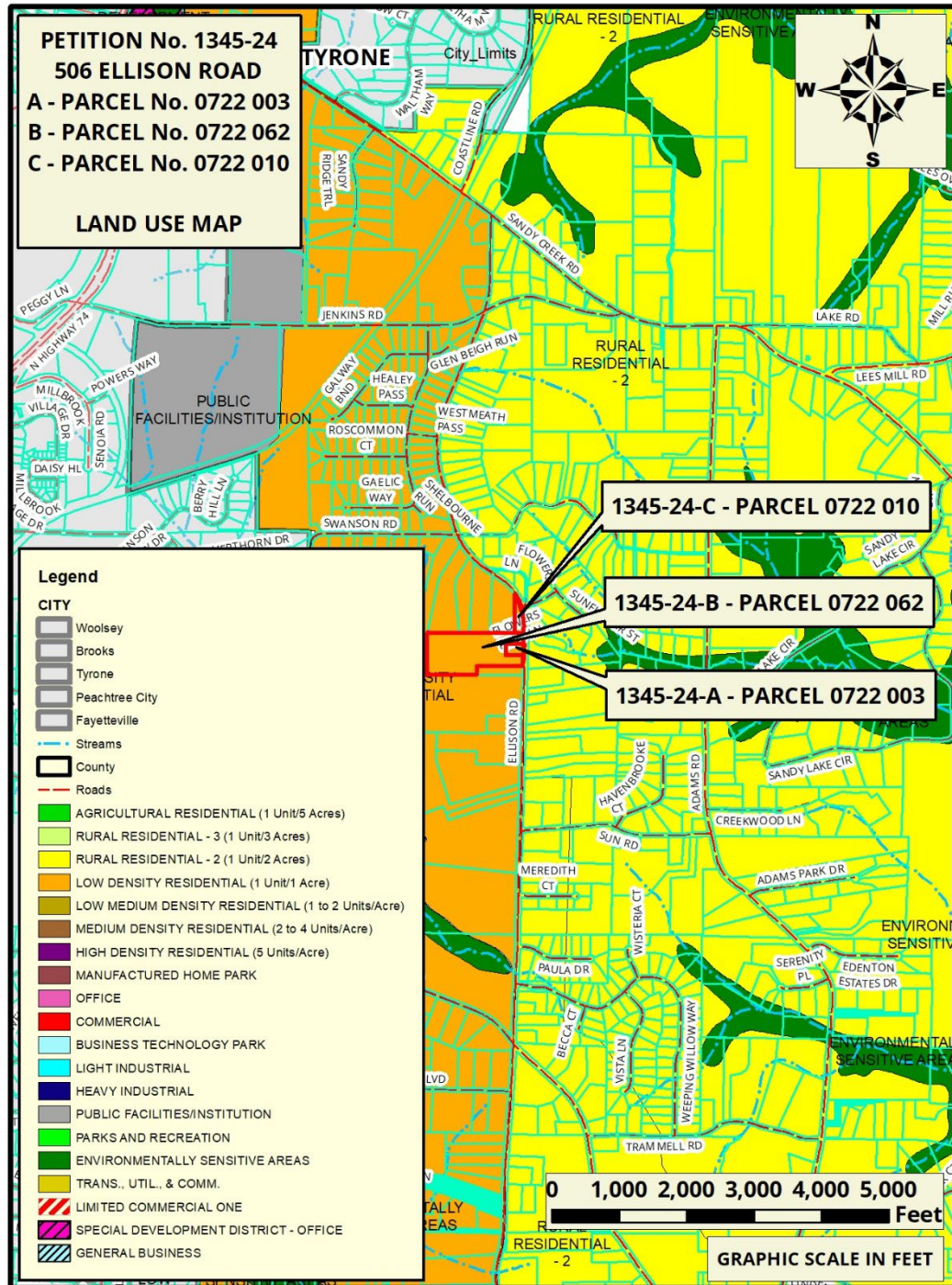
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

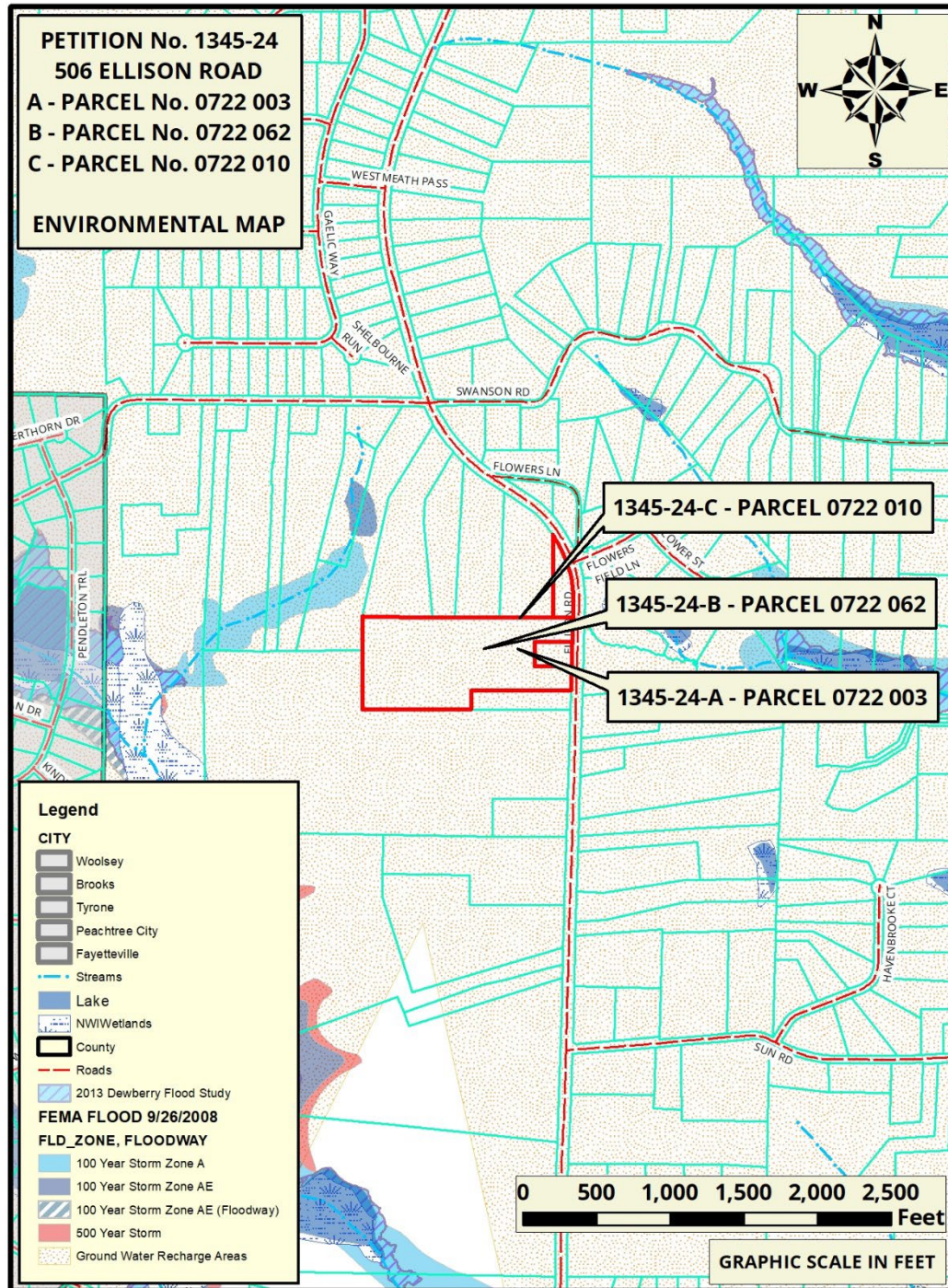
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

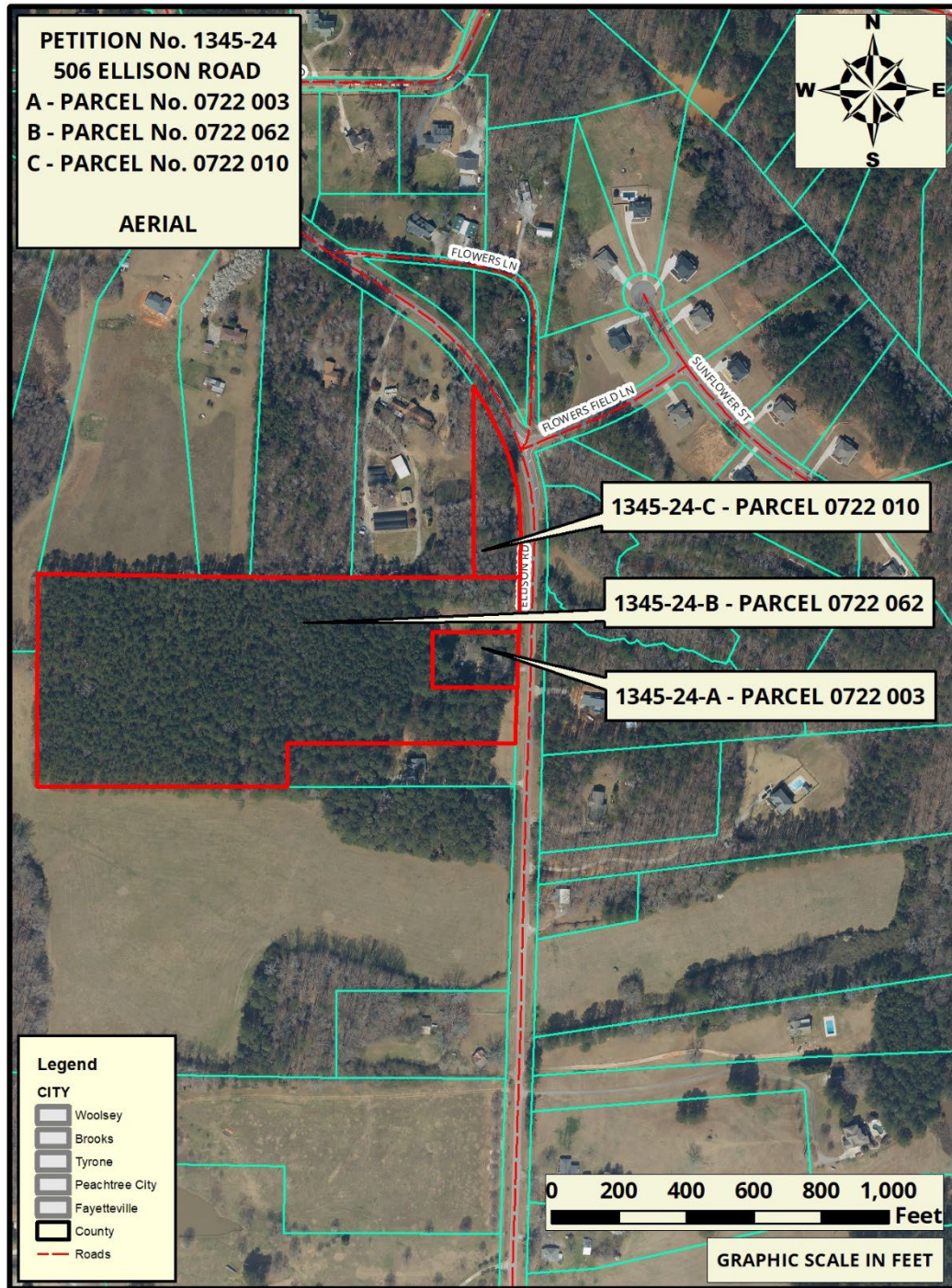
(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

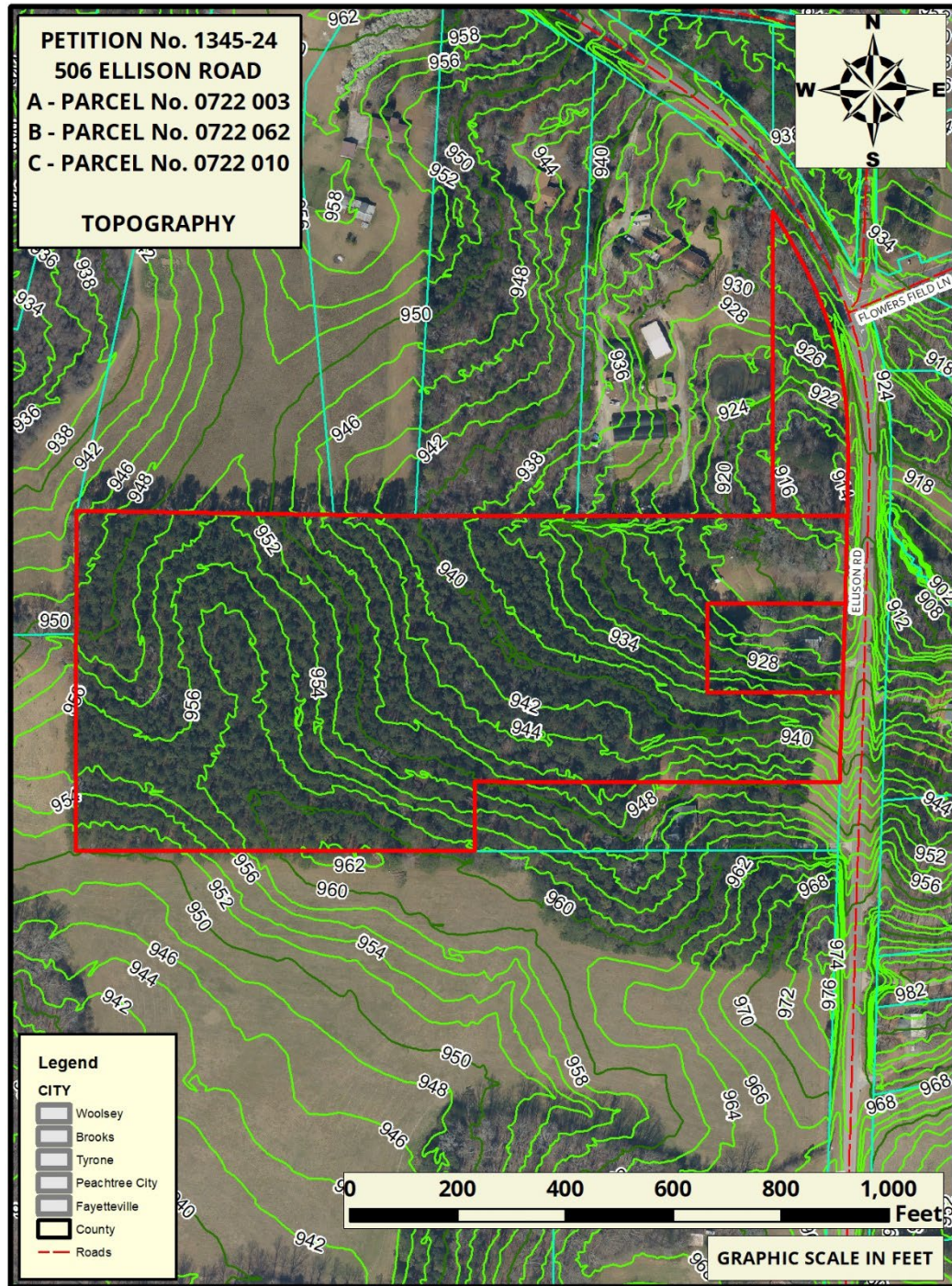


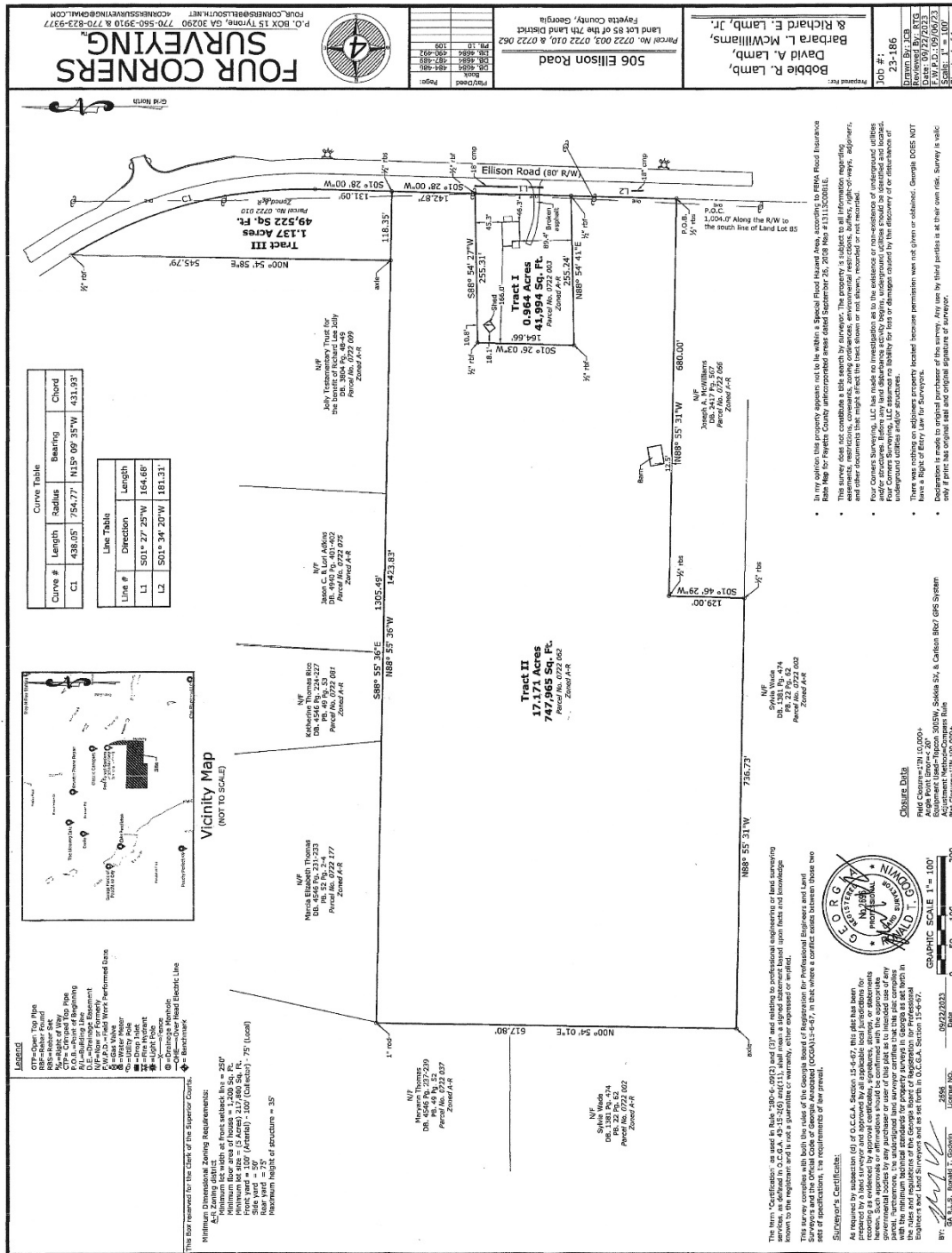




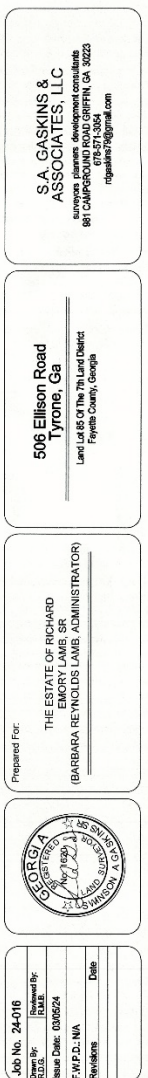








SURVEY



CONCEPT PLAN

Doc ID: 010279880003 Type: ESTD
 Recorded: 12/04/2017 at 12:15:00 PM
 Fee Amt: \$14.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK **4684** PG **490-492**

After recording return to:

Robert A. Ruppenthal, P.C.
 1044 Highway 74 West
 Fayetteville, Georgia 30214

STATE OF GEORGIA
 COUNTY OF FAYETTE

ADMINISTRATOR'S DEED

THIS INDENTURE, made this the 29 day of November, 2017, between **DAVID ASA LAMB**, as Administrator of the Last Will and Testament of **RICHARD EMORY LAMB, SR.**, late, of the State of **Florida** and County of **Bay**, deceased, (hereinafter called "Grantor") and **BARBARA REYNOLDS LAMB a/k/a BOBBIE R. LAMB** of the State of **Florida** and County of **Bay**, (hereinafter called "Grantee One"), **DAVID ASA LAMB** of the State of **Georgia** and County of **Fayette**, (hereinafter called "Grantee Two") **BARBARA LUCELE MCWILLIAMS** of the State of **Georgia** and County of **Fayette**, (hereinafter called "Grantee Three") and **RICHARD EMORY LAMB, JR.** of the State of **Texas** and County of **Guadalupe**, (hereinafter called "Grantee Four"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

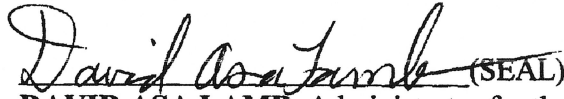
WITNESSETH: that for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof being hereby acknowledged, the said Grantor (acting under and by virtue of the power and authority contained in that **Order Appointing Administrator and Letters of Administration** issued by the Probate Court of **Fayette County, Georgia, Estate No. 17-13872**), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantees any interest held by decedent, **RICHARD EMORY LAMB SR.**, in the property described in Exhibit "A" (the "Property") attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land and Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees forever, but with the title to and interest in said Grantees to be limited and described as follows:

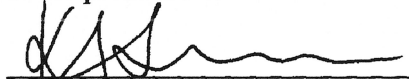
To **Grantee One**, title to and all rights in the Property during the lifetime of **Grantee One** (e.g., a life estate).

Upon the death of Grantee One, title to and all rights in the Property shall pass to Grantee Two, Grantee Three and Grantee Four or the heirs at law of Grantees with said Grantees to hold title to the Property as tenants in common.

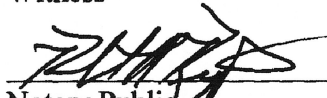
IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.

 (SEAL)
DAVID ASA LAMB, Administrator for the
Estate of **RICHARD EMORY LAMB, SR.**

Signed, sealed and delivered
in the presence of:



Witness



Notary Public

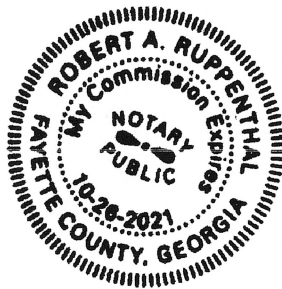


EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

Beginning at an iron pin on the West side of Ellison Road 1184.50 feet North of the Land Lot line of Land Lot 85; running thence North 0 degrees 5 minutes west 165.0 feet to an iron pin; thence South 87 degrees 23 minutes West 255.0 feet to an iron pin; thence South 0 degrees 5 minutes east 165.0 feet to an iron pin; thence North 87 degrees 23 minutes east 255.0 feet to an iron pin and the point of beginning.

LEGAL DESCRIPTION

Tract I – 0.964 Acres

Tax Parcel No. 0722 003

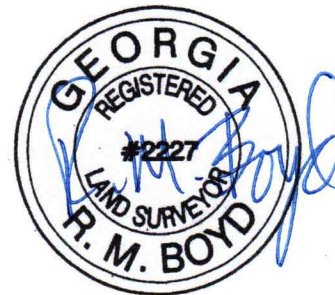
All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1185.31 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE S 88° 54' 41" W 255.24 feet to a point, THENCE N 01° 26' 03" E 164.66 feet to a point, THENCE N 88° 54' 27" E 255.31 feet to a point on the westerly Right-of Way of Ellison Road, THENCE S 01° 27' 25" W 164.68 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.

Said tract containing 0.964 acres and being the same property shown as Tract I on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.

Prepared by: _____

**R.M. Boyd, Georgia Registered Land
Surveyor No. 2227**



Doc ID: 010279870003 Type: ESTD
Recorded: 12/04/2017 at 12:15:00 PM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4684 PG 487-489

After recording return to:

Robert A. Ruppenthal, P.C.
1044 Highway 74 West
Fayetteville, Georgia 30214

STATE OF GEORGIA
COUNTY OF FAYETTE

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Upon the death of Grantee One, title to and all rights in the Property shall pass to Grantee Two, Grantee Three and Grantee Four or the heirs at law of Grantees with said Grantees to hold title to the Property as tenants in common.

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

 (SEAL)
DAVID ASA LAMB, Administrator for the
Estate of RICHARD EMORY LAMB, SR.

Signed, sealed and delivered
in the presence of:


Witness

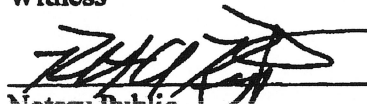

Notary Public



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

Beginning on the West side of Ellison Road 875 feet North of the south Land Lot Line of Land Lot 85, running thence S 89 13' W 1416.6 to an iron pin, running thence N 0 50' W 618.6 feet to an iron pin, running thence N 89 18' E 1424.8 feet to an iron pin, running thence S 0 05' E 142.3 feet to an iron pin, running thence S 87 23' W 255.0 feet to an iron pin, running thence S 0 05' E 165.0 feet to an iron pin, running thence N 87 23' E 255.0 feet to an iron pin, running thence S 0 05' E 309.5 feet to an iron pin and the point of beginning.

LEGAL DESCRIPTION

Tract II - 17.171 Acres

Tax Parcel No. 0722 062

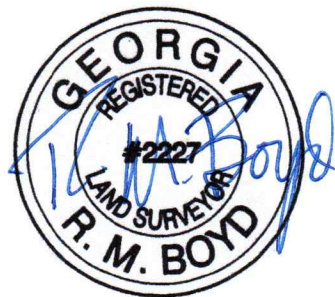
All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1004.0 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 31" W 680.00 feet to a point, THENCE S 01° 46' 29" W 129.00 feet to a point, THENCE N 88° 55' 31" W 736.73 feet to a point, THENCE N 00° 54' 01" E 617.80 feet to a point, THENCE S 88° 55' 36" E 1423.83 feet to a point on the westerly Right-of Way of Ellison Road, THENCE S 01° 28' 00" W 142.87 feet along the westerly Right-of-Way of Ellison Road to a point, THENCE S 88° 54' 27" W 255.31 to a point, THENCE S 01° 26' 03" W 164.66 feet to a point, THENCE N 88° 54' 41" E 255.24 feet to a point on the westerly Right-of Way of Ellison Road , THENCE S 01° 34' 20" W 181.31 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.

Said tract containing 17.171 acres and being the same property shown as Tract II on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.

Prepared by:


**R.M. Boyd, Georgia Registered Land
Surveyor No. 2227**



Doc ID: 010279860003 Type: ESTD
Recorded: 12/04/2017 at 12:15:00 PM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
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BK 4684 PG 484-486

After recording return to:

Robert A. Ruppenthal, P.C.
1044 Highway 74 West
Fayetteville, Georgia 30214

STATE OF GEORGIA
COUNTY OF FAYETTE

ADMINISTRATOR'S DEED

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WITNESSETH: that for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof being hereby acknowledged, the said Grantor (acting under and by virtue of the power and authority contained in that **Order Appointing Administrator and Letters of Administration** issued by the Probate Court of Fayette County, Georgia, Estate No. 17-13872), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantees any interest held by decedent, **RICHARD EMORY LAMB SR.**, in the property described in Exhibit "A" (the "Property") attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land and Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees forever, but with the title to and interest in said Grantees to be limited and described as follows:

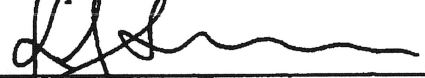
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IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.


DAVID ASA LAMB, Administrator for the
Estate of **RICHARD EMORY LAMB, SR.**

Signed, sealed and delivered
in the presence of:


Witness


Notary Public



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District and being more particularly described as follows:

Beginning at a point on the west side of Ellison Road 1491.8 feet north of the southeast corner of Land Lot 85, running thence west 200 feet to a point, said point being the southeast corner of David Brown's property; thence north 920 feet more or less to the southwest side of Flowers Lane; thence southeast along Flowers Lane 300 feet more or less to a point; thence south 730 feet more or less to the point of beginning.

Less and except that portion being in the right of way of Ellison Road.

LEGAL DESCRIPTION

Tract III – 1.137 Acres

Tax Parcel No. 0722 010

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1492.86 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 36" W 118.35 feet to a point, THENCE N 00° 54' 58" E 545.79 feet to a point on the westerly Right-of Way of Ellison Road, THENCE along the westerly Right-of Way of Ellison Road along a curve to the right for 438.05 feet, having a radius of 754.77 feet, a chord of 431.93 feet and a chord bearing of S 15° 09' 35" E, THENCE S 01° 28' 00" W 131.09 feet along the westerly Right-of Way of Ellison Road to the POINT OF BEGINNING.

Said tract containing 1.137 acres and being the same property shown as Tract III on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.

Prepared by: _____

**R.M. Boyd, Georgia Registered Land
Surveyor No. 2227**



Petition No: 1345-24 A
Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1345-24 A
Owner/Agent:	LDO Fayette, LLC, David Asa Lamb/ Randy Boyd
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0722003
Area of Property:	.964 acres
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 85 of the 7 th District
Fronts on:	Ellison Rd.

LEGAL DESCRIPTION

**Tract I - 0.964 Acres
Tax Parcel No.0722 003**

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1185.31 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE S 88° 54' 41" W 255.24 feet to a point, THENCE N 01° 26' 03" E 164.66 feet to a point, THENCE N 88° 54' 27" E 255.31 feet to a point on the westerly Right-of Way of Ellison Road, THENCE S 01° 27' 25" W 164.68 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.

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Petition No: 1345-24 B

Ad to Run: April 17, 2024

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IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

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Petition No.:	1345-24 B
Owner/Agent:	LDO Fayette, LLC, David Asa Lamb/Randy Boyd
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0722062
Area of Property:	17.171 acres
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 85 of the 7 th District
Fronts on:	Ellison Rd.

**LEGAL DESCRIPTION
Tract II - 17.171 Acres
Tax Parcel No. 0722062**

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1004.0 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 31" W 680.00 feet to a point, THENCE S 01° 46' 29" W 129.00 feet to a point, THENCE N 88° 55' 31" W 736.73 feet to a point, THENCE N 00° 54' 01" E 617.80 feet to a point, THENCE S 88° 55' 36" E 1423.83 feet to a point on the westerly Right-of Way of Ellison Road, THENCE S 01° 28' 00" W 142.87 feet along the westerly Right-of-Way of Ellison Road to a point, THENCE S 88° 54' 27" W 255.31 to a point, THENCE S 01° 26' 03" W 164.66 feet to a point, THENCE N 88° 54' 41" E 255.24 feet to a point on the westerly Right- of Way of Ellison Road , THENCE S 01° 34' 20" W 181.31 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.

Said tract containing 17.171 acres and being the same property shown as Tract II on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.

Petition No: 1345-24 C

Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1345-24 C
Owner/Agent:	LDO Fayette, LLC, David Asa Lamb/Randy Boyd
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0722010
Area of Property:	1.137 acres
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 85 of the 7 th District

**LEGAL DESCRIPTION
Tract III - 1.137 Acres
Tax Parcel No. 0722010**

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1492.86 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 36" W 118.35 feet to a point, THENCE N 00° 54' 58" E 545.79 feet to a point on the westerly Right-of Way of Ellison Road, THENCE along the westerly Right-of Way of Ellison Road along a curve to the right for 438.05 feet, having a radius of 754.77 feet, a chord of 431.93 feet and a chord bearing of S 15° 09' 35" E, THENCE S 01° 28' 00" W 131.09 feet along the westerly Right-of Way of Ellison Road to the POINT OF BEGINNING.

Said tract containing 1.137 acres and being the same property shown as Tract III on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.

PETITION NO: 1346-24

REQUESTED ACTION: Rezone from A-R to R-80

PARCEL NUMBER: 0441 002

PROPOSED USE: Single-Family Residential Subdivision

EXISTING USE: Agricultural/Residential

LOCATION: 385 Snead Road

DISTRICT/LAND LOT(S): 4th District, Land Lot 199

ACREAGE: 15.87

OWNER(S): Allegiance Homes, LLC

APPLICANT: Allegiance Homes, LLC

AGENT: Mark McCullough

PLANNING COMMISSION PUBLIC HEARING: May 2, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: May 23, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential – 3 (1 unit/3 acre) is designated for this area, so the request for R-80 zoning is appropriate. The existing house on the parcel does not meet the dimensional requirements of the R-80 zoning district, so a condition for demolition or expansion of the house is recommended.

Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-80, Single-Family Residential District.

RECOMMENDED CONDITIONS FOR PETITION No. 1346-24

1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.
2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal lot of record in the A-R zoning district.

This property is not located in an overlay zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property currently has 1 single-family home.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R. 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	Future Land Use Plan
North	132.50	A-R	Undeveloped; Forestry/Ag Uses	Rural Residential – 3 (1 unit/3 acres)
East	8.10	A-R	Single Family Residential	Rural Residential – 3 (1 unit/3 acres)
South (across Snead)	12	A-R	Single Family Residential	Agricultural-Residential
West	25	A-R	Single Family Residential	Rural Residential – 3 (1 unit/3 acres)

E. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential - 3 on the Future Land Use Plan map. This request does conform to the Fayette County Comprehensive Plan/Future Land Use Map.

F. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Snead Road.

Site Plan: The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

G. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is not available along Snead Rd. Address is currently outside of Fayette County Water System service area.
- ☐ **Public Works/Engineering**
 - **Road Frontage & Right of Way Dedication** - Snead Road is classified as County Local Road and is a deeded 50 ft R/W per Fayette County records. A dedication of 5 ft of R/W will be required to meet the current requirement of 60 feet right of way as measured from the centerline Snead Road.
 - **Traffic Data** - There is no traffic data for Snead Road but it is a relatively low volume road and the addition of three to five homes is not expected to have an impact on traffic operations.
- ☐ **Access Management**- As an effort to maximize safety, Public Works seeks to minimize the number of new homes accessing existing County local, collector, and arterial roads. As such, for rezonings Public Works recommends that the number of new homes with direct access to these types of roads be no greater than that possible under the existing zoning. For this project, the existing A-R has sufficient area (15 acres) and road frontage (>300 feet) to permit three homes and driveways, thus the condition is to limit the number of new homes with direct access to Snead Road to three. Additional homes may be provided with construction of an internal local road. **Environmental Management** - No objections.
 - **Floodplain Management** -- The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0155E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.

- **Watershed Protection** -- There **ARE** state waters located on the subject property and **WILL BE** subject to the Fayette County Watershed Protection Ordinance.
- **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
- **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.
- ☐ **Environmental Health Department** – This office has no objection to the rezoning of this parcel. This approval is only for rezoning and no other future requirements of this office.
- ☐ **Fire** – No comments from Fire Marshal's Office.
- ☐ **GDOT** – n/a

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 Rural Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and the lot size.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal is not likely to adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-129. - R-80, Single-Family Residential District.

(a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-80 zoning district:

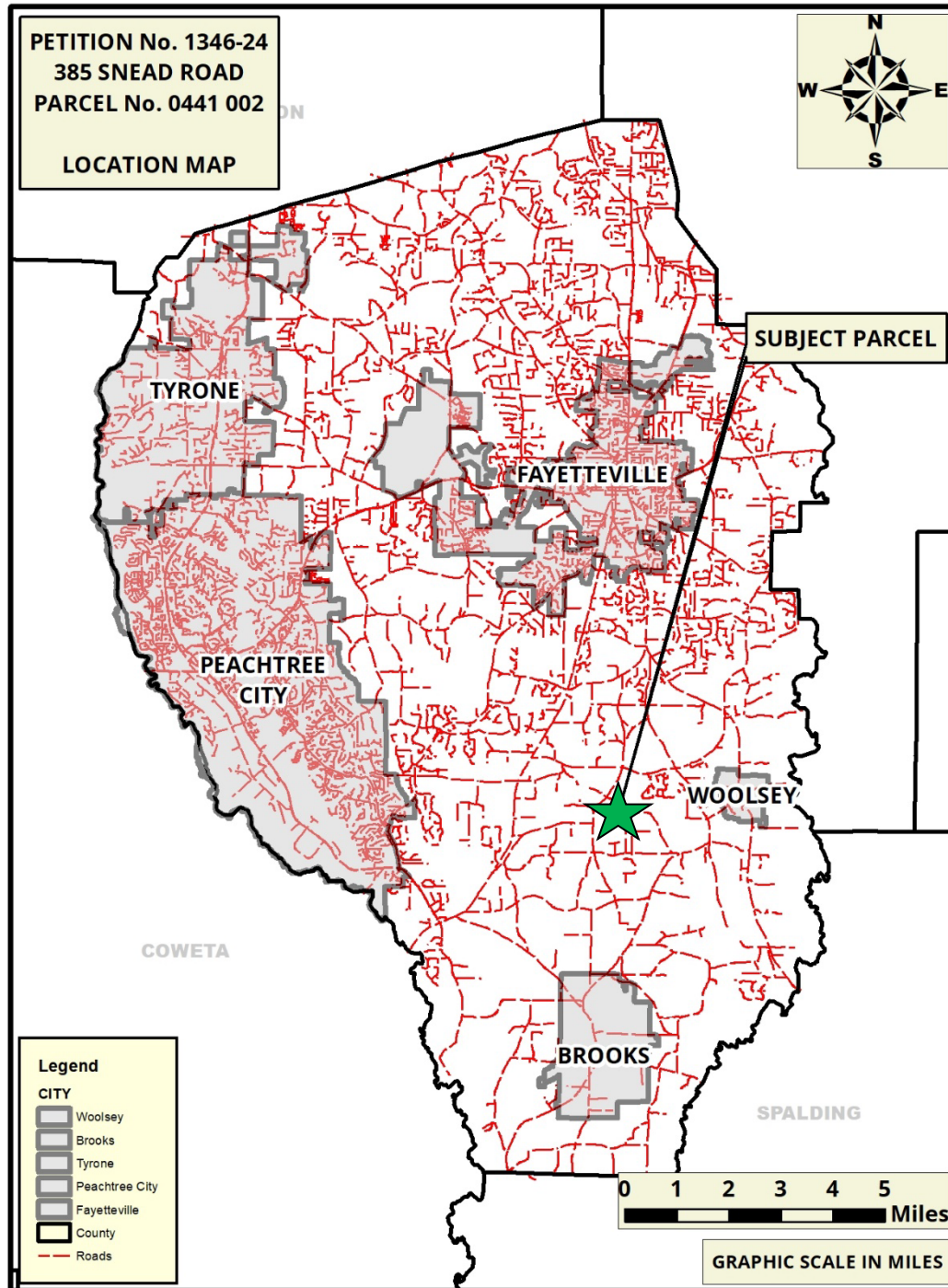
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

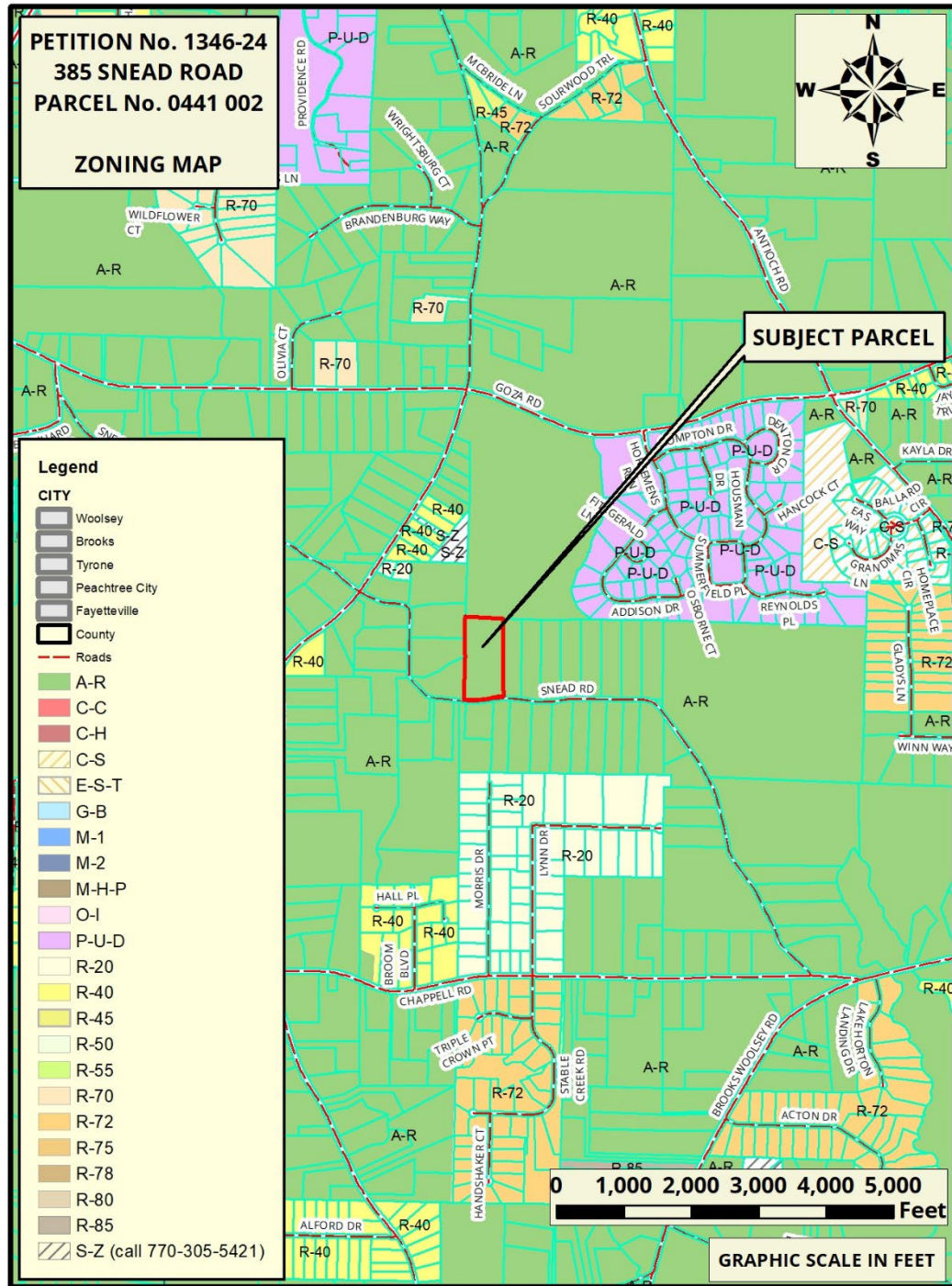
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-80 zoning district provided that all conditions specified in article V of this chapter are met:

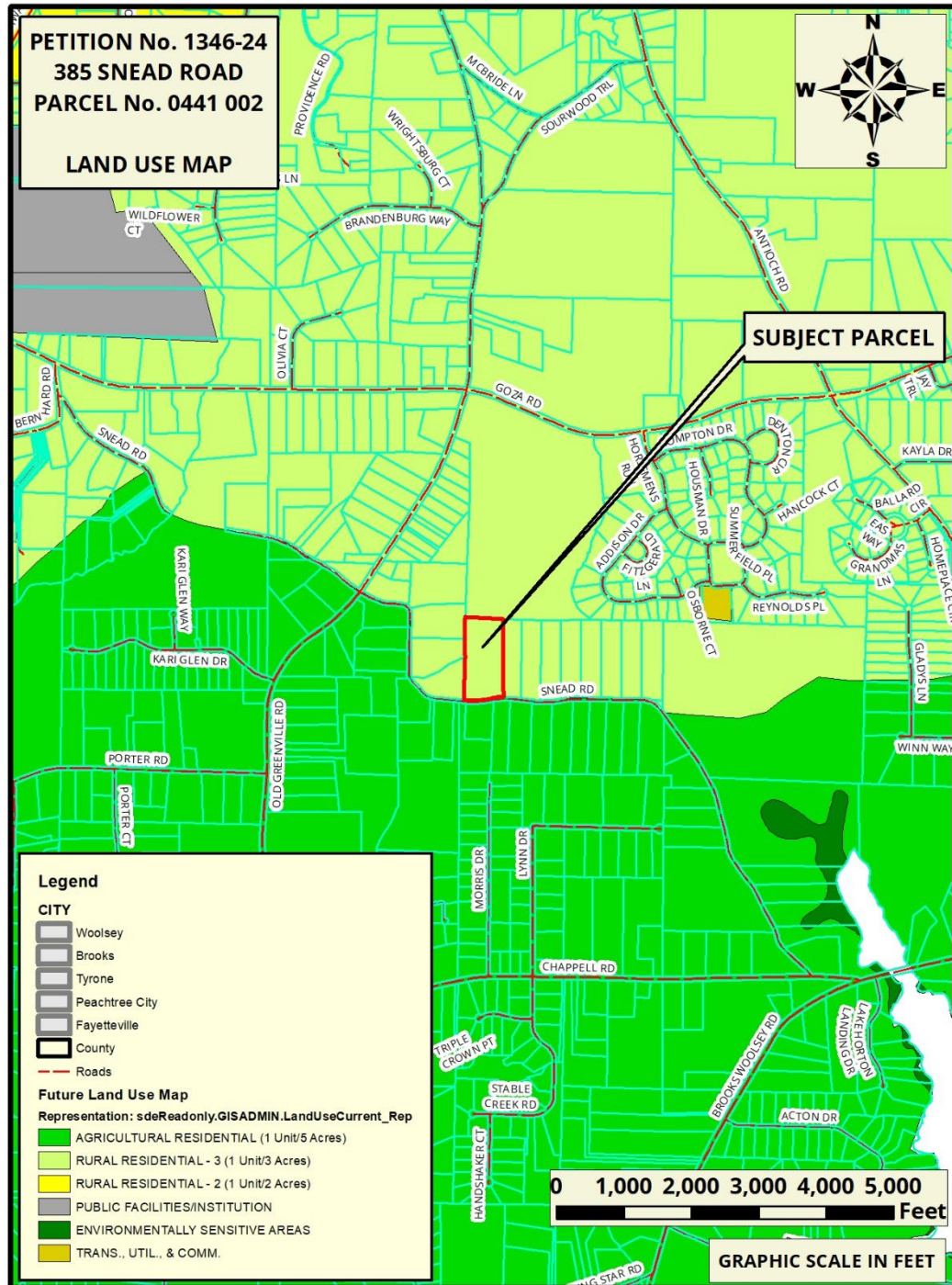
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

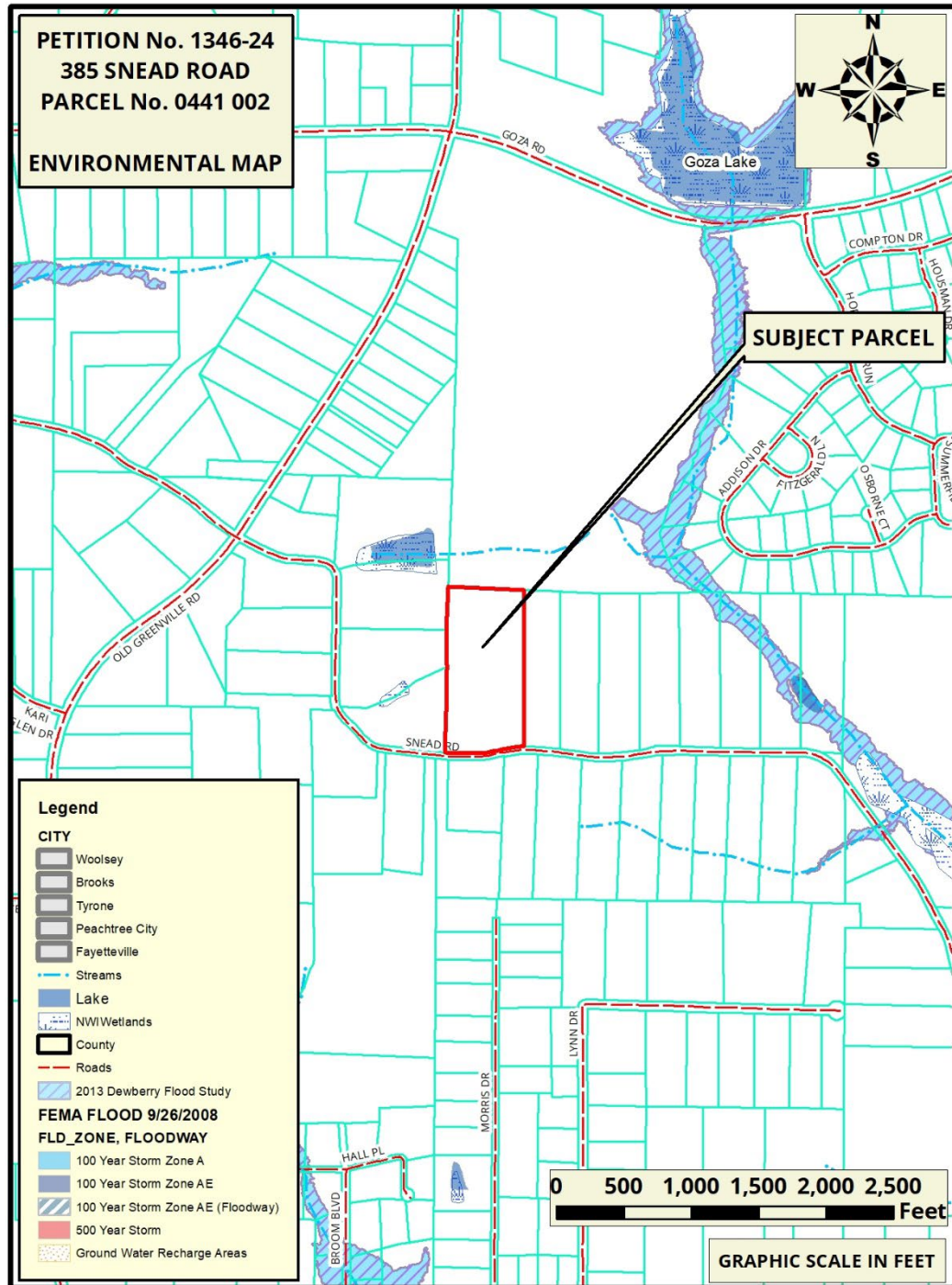
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-80 zoning district shall be as follows:

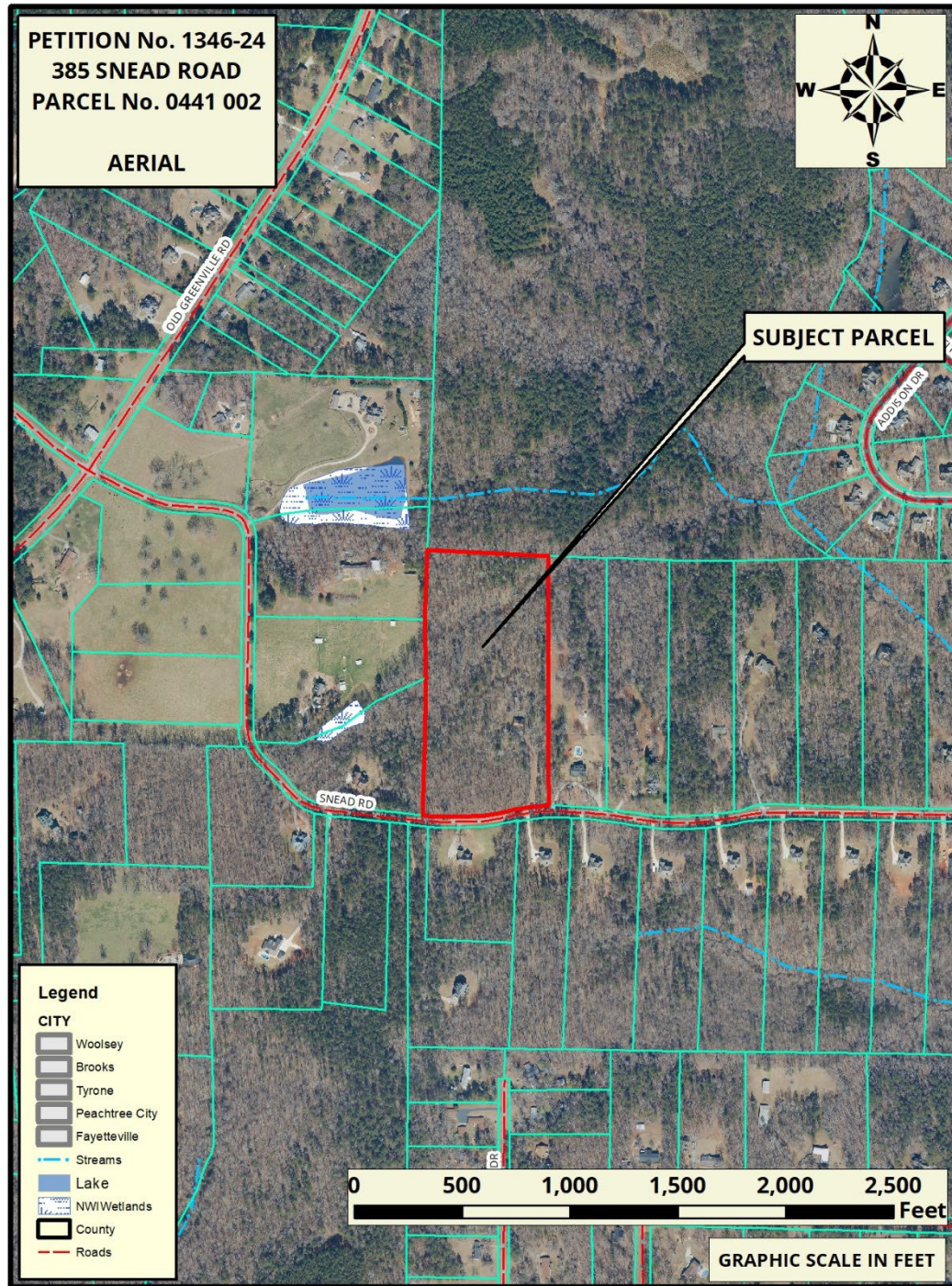
- (1) Lot area per dwelling: 130,680 square feet (three acres).
- (2) Lot width: 175 feet.
- (3) Floor area: 2,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 30 feet.
- (7) Height limit: 35 feet.

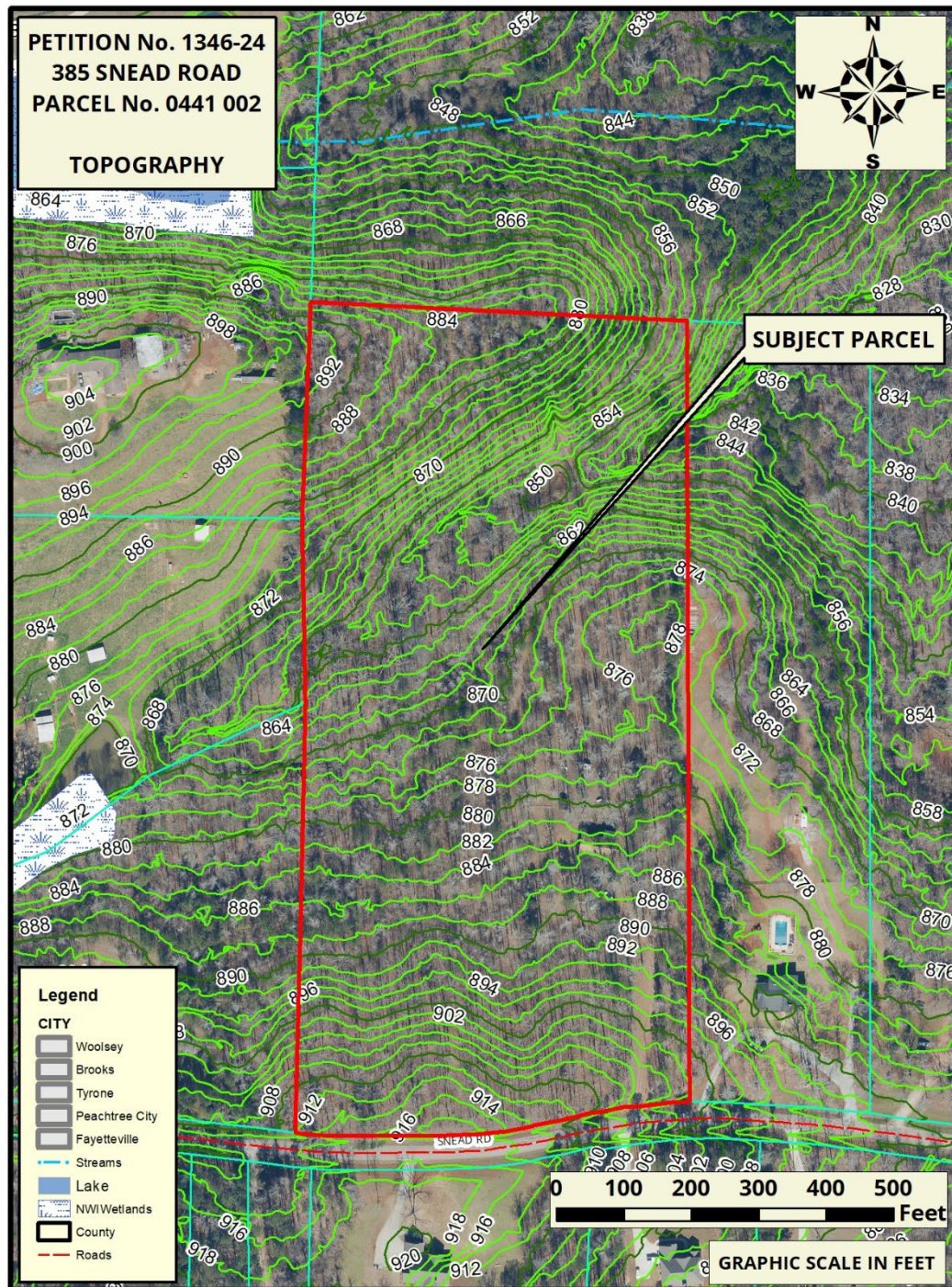












N/T
 Marvin B. Mary Ann Williams
 DB, 3450 Sq. Ft.
 PB, 29 Pg. 132
 Parcel No. 0440 034
 Zoned A-R

N/T
 Sarah Helen Goza
 DB, 1392 Pg. 114-115
 Parcel No. 0151 024
 Zoned A-R

N/T
 Carl H. Wenzelstein &
 Raymond P. Leasard
 DB, 1075 Pg. 150-113
 Parcel No. 0410 026
 Zoned A-R

N/T
 Neil L. Tronice
 DB, 3230 Pg. 65
 Parcel No. 0116 029
 Zoned A-R

N/T
 Reginald Duane Fry
 S. Julie Dawn Fry
 DB, 6348 Pg. 18
 Parcel No. 0441 019
 Zoned A-R

N/T
 Angelo D. & Marjorie S. Cravich
 DB, 5096 Pg. 150-7-1
 Parcel No. 0440 041
 Zoned A-R

SNEED ROAD
 (50' R/W per PB. 45 Pg. 156-180)

The Bos reserved for the Clerk of the Superior Court

The map shows a street grid with several streets labeled: 1st St, 2nd St, 3rd St, 4th St, 5th St, 6th St, 7th St, 8th St, 9th St, 10th St, 11th St, 12th St, 13th St, 14th St, 15th St, 16th St, 17th St, 18th St, 19th St, 20th St, 21th St, 22nd St, 23rd St, 24th St, 25th St, 26th St, 27th St, 28th St, 29th St, 30th St, 31st St, 32nd St, 33rd St, 34th St, 35th St, 36th St, 37th St, 38th St, 39th St, 40th St, 41st St, 42nd St, 43rd St, 44th St, 45th St, 46th St, 47th St, 48th St, 49th St, 50th St, 51st St, 52nd St, 53rd St, 54th St, 55th St, 56th St, 57th St, 58th St, 59th St, 60th St, 61st St, 62nd St, 63rd St, 64th St, 65th St, 66th St, 67th St, 68th St, 69th St, 70th St, 71st St, 72nd St, 73rd St, 74th St, 75th St, 76th St, 77th St, 78th St, 79th St, 80th St, 81st St, 82nd St, 83rd St, 84th St, 85th St, 86th St, 87th St, 88th St, 89th St, 90th St, 91st St, 92nd St, 93rd St, 94th St, 95th St, 96th St, 97th St, 98th St, 99th St, 100th St, 101st St, 102nd St, 103rd St, 104th St, 105th St, 106th St, 107th St, 108th St, 109th St, 110th St, 111st St, 112nd St, 113rd St, 114th St, 115th St, 116th St, 117th St, 118th St, 119th St, 120th St, 121st St, 122nd St, 123rd St, 124th St, 125th St, 126th St, 127th St, 128th St, 129th St, 130th St, 131st St, 132nd St, 133rd St, 134th St, 135th St, 136th St, 137th St, 138th St, 139th St, 140th St, 141st St, 142nd St, 143rd St, 144th St, 145th St, 146th St, 147th St, 148th St, 149th St, 150th St, 151st St, 152nd St, 153rd St, 154th St, 155th St, 156th St, 157th St, 158th St, 159th St, 160th St, 161st St, 162nd St, 163rd St, 164th St, 165th St, 166th St, 167th St, 168th St, 169th St, 170th St, 171st St, 172nd St, 173rd St, 174th St, 175th St, 176th St, 177th St, 178th St, 179th St, 180th St, 181st St, 182nd St, 183rd St, 184th St, 185th St, 186th St, 187th St, 188th St, 189th St, 190th St, 191st St, 192nd St, 193rd St, 194th St, 195th St, 196th St, 197th St, 198th St, 199th St, 200th St, 201st St, 202nd St, 203rd St, 204th St, 205th St, 206th St, 207th St, 208th St, 209th St, 210th St, 211st St, 212nd St, 213rd St, 214th St, 215th St, 216th St, 217th St, 218th St, 219th St, 220th St, 221st St, 222nd St, 223rd St, 224th St, 225th St, 226th St, 227th St, 228th St, 229th St, 230th St, 231st St, 232nd St, 233rd St, 234th St, 235th St, 236th St, 237th St, 238th St, 239th St, 240th St, 241st St, 242nd St, 243rd St, 244th St, 245th St, 246th St, 247th St, 248th St, 249th St, 250th St, 251st St, 252nd St, 253rd St, 254th St, 255th St, 256th St, 257th St, 258th St, 259th St, 260th St, 261st St, 262nd St, 263rd St, 264th St, 265th St, 266th St, 267th St, 268th St, 269th St, 270th St, 271st St, 272nd St, 273rd St, 274th St, 275th St, 276th St, 277th St, 278th St, 279th St, 280th St, 281st St, 282nd St, 283rd St, 284th St, 285th St, 286th St, 287th St, 288th St, 289th St, 290th St, 291st St, 292nd St, 293rd St, 294th St, 295th St, 296th St, 297th St, 298th St, 299th St, 300th St, 301st St, 302nd St, 303rd St, 304th St, 305th St, 306th St, 307th St, 308th St, 309th St, 310th St, 311st St, 312nd St, 313rd St, 314th St, 315th St, 316th St, 317th St, 318th St, 319th St, 320

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	149.70'	500.07'	N81° 18' 34"E	149.15'
C2	137.31'	475.00'	N81° 00' 49"E	136.83'
C3	235.04'	2501.99'	S88° 00' 49"E	234.96'

Line Table		
Line #	Direction	Length
L1	N89° 53' 13"E	24.93'
L2	N72° 43' 55"E	22.86'
L3	N89° 17' 42"E	20.48'

Current Zoning

A-R Zoning district
Minimum lot width at front setback line = 250'
Minimum floor area of house = 1,200 Sq. Ft.
Minimum lot size = (5 Acres) 217,800 Sq. Ft.
Front yard = 100' (Arterial) + 100' (Collector) + 75' (Local)
Side yard = 50'
Rear yard = 75'
Maximum height of structure = 35'

Proposed Zoning

R-80 Zoning district
Minimum lot width at front setback line = 175'
Minimum floor area of house = 2,500 Sq. Ft.
Minimum lot size = (3 Acres) 130,680 Sq. Ft.
Front yard = 75' (Arterial) - 75' (Collector) - 50' (Local)
Side yard = 30'
Rear yard = 50'
Maximum height of structure = 35'

- Closure Data

Field Closure=1"IN 10,000+
Angle Point error=< 20"
Equipment Used=Topcon 3005W, Sokkia SX, & Carlson DRA7 GPS System
Adjustment Method=Compass Rule
Dist Closure=1"IN 100,000+

- [illegible]

The term "Certification" as used in Rule 180-B-09(2) and (3)* and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant; and it is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

As required by subsection (c) 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 and 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: GA R.L.S. Ronald T. Godwin

03/29/2024
Date

GRAPHIC SCALE 1"= 100'

0 50 100 200

Job #:
 24-040
 Drawn By: JCG
 Reviewed By: RTG
 Date: 03/29/2024
 F.W.P.D.: 03/13/24
 Scale: 1" = 100'
 Sheet: 1 of 1

385 Snead Road
Parcel No. 0441 002
Land Lot 199 of the 4th Land District
Fayette County, Georgia

Flat/Deed Book	Page
DB. 3176	107-108
Pg. 13	26
Pg. 38	76
DB. 3480	10
Pg. 45	125-126

FOUR CORNERS
SURVEYING

P.O. BOX 15 Tyrone, GA 30290 770 560 3910 & 770 823 9377
FOUR CORNERS SHEL SOUTH.NET ACCENTRESSURVEYING@GMAIL.COM

Renssed

PETITION No (s): 1346-24
STAFF USE ONLY

APPLICANT INFORMATION

Name Allegiance Homes, llc
Address 825 Hwy 74 S, Suite 101
City Peachtree City
State GA Zip 30269
Email trentfoster@allegiancedevgroup.com
Phone _____

PROPERTY OWNER INFORMATION

Name Allegiance Homes, llc
Address 825 Hwy 74 S, Suite 101
City Peachtree City
State GA Zip 30269
Email trentfoster@allegiancedevgroup.com
Phone _____

AGENT(S) (if applicable)

Name C Mark McCullough
Address 100 Meeting House Rd
City Fayetteville
State GA Zip 30215
Email cmarkmccullough@gmail.com
Phone 678-878-7935

Name _____
Address _____
City _____
State _____ Zip _____
Email _____
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

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

Date Paid: _____ Receipt Number: _____

PETITION No.: _____ **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0441 002 Acreage: 15.87
Land District(s): 4th Land Lot(s): 199
Road Name/Frontage L.F.: Snead Road Classification: _____
Existing Use: Residential Proposed Use: Residential
Structure(s): Yes Type: Single Family Home Size in SF: 1460 (To be removed)
Existing Zoning: A-R Proposed Zoning: R-80
Existing Land Use: Residential Proposed Land Use: Residential
Water Availability: No Distance to Water Line: N/A Distance to Hydrant: N/A

PETITION No.: _____ **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
Land District(s): _____ Land Lot(s): _____
Road Name/Frontage L.F.: _____ Road Classification: _____
Existing Use: _____ Proposed Use: _____
Structure(s): _____ Type: _____ Size in SF: _____
Existing Zoning: _____ Proposed Zoning: _____
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
Land District(s): _____ Land Lot(s): _____
Road Name/Frontage L.F.: _____ Road Classification: _____
Existing Use: _____ Proposed Use: _____
Structure(s): _____ Type: _____ Size in SF: _____
Existing Zoning: _____ Proposed Zoning: _____
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

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:
Allegiance Homes, Ilc

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0441 002

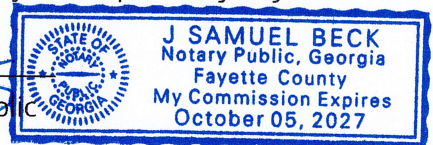
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 199 of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 15.87 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to C Mark McCullough 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.

(II) [Signature]
Signature of Property Owner 1
PO 3852 PTC, GA 30265
Address

[Signature]
Signature of Notary Public
3/25/24
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

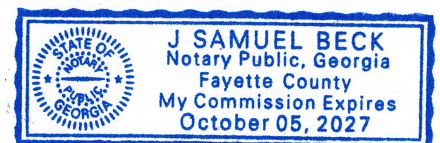
Address

Signature of Notary Public

Date

Signature of Authorized Agent
100 Meeting House Rd Fayetteville Ga
Address

[Signature]
Signature of Notary Public
3/25/24
Date



PETITION No.: 1346-24

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: Allegiance Homes, Ilc

ADDRESS: 825 Hwy 74 S, Suite 101 PEachtree City Ga 30269

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

Allegiance Homes, Ilc affirms that she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-80.

This property includes: (check one of the following)

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

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of May 2, 2024 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of May 23, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25 DAY OF March, 2024.

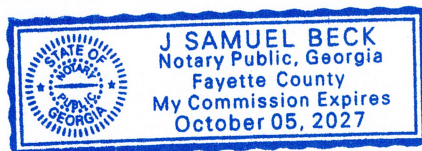
[Signature]

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC



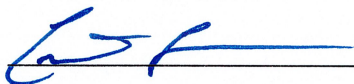
AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Allegiance Homes, llc, 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 Snead Rd 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 25 day of March, 2024.

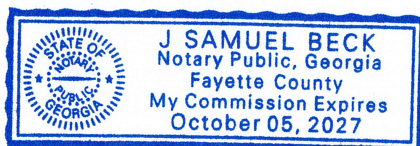


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

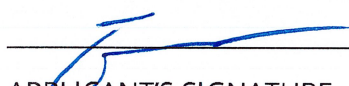


DEVELOPMENTS OF REGIONAL IMPACT (DRI)

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".
- ☒ 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 25 day of March, 2024.


APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

(Please check one)

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

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

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

Type: WD
Recorded: 3/28/2024 9:40:00 AM
Fee Amt: \$475.00 Page 1 of 2
Transfer Tax: \$450.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Please return to:
Lawson, Beck & Sandlin, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 24-LAW-0291
Att: Lexi Clarke
Parcel Number: 0441 002

Participant ID(s): 1138094925,
7067927936

BK 5707 PG 301 - 302

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 25th day of March, 2024 between

Angie Crockett a/k/a Angela Dawn Crockett, Executor of Last Will & Testament of Martha Cawthon Vickery a/k/a Martha Vickery

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

Allegiance Homes, LLC

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

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

All that tract or parcel of land lying and being in Land Lot 199 of the 4th District of Fayette County, Georgia, and being Tract Nine containing 12.79 acres and Tract Ten containing 3.21 acres as shown on a plat of survey prepared for Louis H. Vickery by Lum C. Hall, dated May 16, 1995, and being more particularly described as follows:

Beginning at the intersection of the Westerly Land Lot line of Land Lot 199 with the Northerly right-of-way of Snead Road, and running thence North 01 degree 33 minutes 02 seconds East a distance of 300.15 feet to a point; running thence North 03 degrees 38 minutes 53 seconds East a distance of 326.34 feet to a point; running thence North 00 degrees 39 minutes 20 seconds East a distance of 625.88 feet to a point; running thence South 88 degrees 13 minutes 24 seconds East a distance of 554.28 feet to a point; running thence South 00 degrees 19 minutes 01 seconds West a distance of 1,179.41 feet to a point, which point is located on the Northerly right-of-way of Snead Road; running thence in a Westerly, Southwesterly, and Westerly direction, and following along the right-of-way of Snead Road, the following courses and distances, to wit: South 89 degrees 02 minutes 40 seconds West a distance of 70.54 feet, South 70 degrees 23 minutes 37 seconds West a distance of 100.34 feet, South 73 degrees 50 minutes 45 seconds West a distance of 72.76 feet, South 89 degrees 46 minutes 04 seconds West a distance of 77.88 feet, South 86 degrees 57 minutes 10 seconds a distance of 138.53 feet, North 87 degrees 21 minutes 46 seconds West a distance of 67.18 feet, and North 83 degrees 36 minutes 35 seconds West a distance of 67.30 feet to a point and the POINT OF BEGINNING.

Subject to restrictive covenants and easements of record.

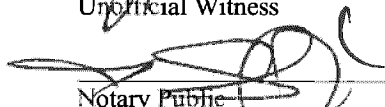
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

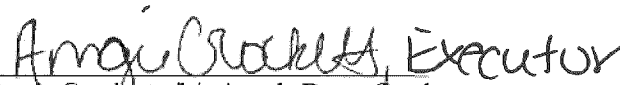
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

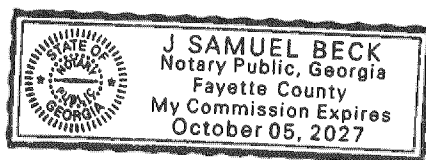
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:


Unofficial Witness


Notary Public


Angie Crockett a/k/a Angela Dawn Crockett,
Executor of Last Will & Testament of Martha
Cawthon Vickery a/k/a Martha Vickery



Petition No: 1346-24

Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1346-24
Owner/Agent:	Allegiance Homes, LLC/ C. Mark McCullough
Existing Zoning District:	A-R
Proposed Zoning District:	R-80
Parcel Number:	0441002
Area of Property:	15.87 acres
Proposed Use:	R-80
Land Lot(s)/District:	Land lot 199 of the 4 th District
Fronts on:	Snead

PROPERTY DESCRIPTION

Legal Description

All that tract or parcel of land lying and being in Land Lot 199 of the 4th Land District of Fayette County, Georgia, and being more particularly described as follows:

Commence at a 1/2 inch rebar set located at the intersection of the westerly line of Land Lot 199 and the northerly right-of-way line of Snead Road (a 50 foot right-of-way), said point being the True Point of Beginning. From the True Point of Beginning thus established, run thence North 1 degree 29 minutes 23 seconds East a distance of 289.89 feet to an axle found; run thence North 3 degrees 35 minutes 20 seconds East a distance of 326.38 feet to an axle found; run thence North 00 degrees 42 minutes 1 second East a distance of 626.30 feet to a 1/2 inch rebar found; run thence South 88 degrees 16 minutes 4 seconds East a distance of 553.32 feet to a 1/2 inch rebar found; run thence South 00 degrees 11 minutes 46 seconds West a distance of 1,182.21 feet to a 1/2 inch capped rebar found located on the northerly right-of-way line of Snead Road (a 50 foot right-of-way); run thence South 89 degrees 53 minutes 13 seconds West a distance of 24.93 feet to a point; run thence along the arc of a curve to the left an arc distance of 149.70 feet to a point, said arc being subtended by a chord bearing South 81 degrees 18 minutes 34 seconds West a chord distance of 149.15 feet and having a radius of 500.07 feet; run thence South 72 degrees 43 minutes 55 seconds West a distance

of 22.86 feet to a point; run thence along the arc of a curve to the right an arc distance of 137.31 feet to a point, said arc being subtended by a chord bearing South 81 degrees 00 minutes 49 seconds West a chord distance of 136.83 feet and having a radius of 475.00 feet; run thence South 89 degrees 17 minutes 42 seconds West a distance of 20.48 feet to a point; run thence along the arc of a curve to the right an arc distance of 235.04 feet to a 1/2 inch rebar set and the True Point of Beginning, said arc being subtended by a chord bearing North 88 degrees 00 minutes 49 seconds West a chord distance of 234.96 feet and having a radius of 2,501.99 feet;

Said tract or parcel of land containing 15.887 acres, more or less, and being depicted on that certain plat of survey prepared for Allegiance Development Group by Four Corners Surveying, Ronald T. Godwin, GA RLS No. 2695 dated March 20, 2024, reference to which plat is hereby made for a more complete and accurate description of the above-referenced property.

PETITION NO: 1347-24

REQUESTED ACTION: Rezone from A-R to R-50

PARCEL NUMBER: 0510 039

PROPOSED USE: Single-Family Residential Subdivision/Amenity Area

EXISTING USE: Single-Family Residential/Agricultural-Residential

LOCATION: 1053 Hwy 85 S/Old Senoia Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 60

ACREAGE: 1.446

OWNER(S): Luis Arango

APPLICANT: Jeff Lammes

AGENT: Jeff Lammes

PLANNING COMMISSION PUBLIC HEARING: May 2, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: May 23, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. The parcel is a legal, nonconforming lot. The existing house on parcel 0510 039 does meet the dimensional requirements of the R-50 zoning district.

Staff recommends **APPROVAL** of the request for a zoning of R-50, Single-Family Residential District.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

This parcel is a legal lot of record in the A-R zoning district. It is a landlocked parcel that existed prior to November 13, 1980, so it qualifies as a nonconforming parcel. It has the required access easement to a public road. The existing house does meet the dimensional requirements of the R-50 zoning district.

This property is not subject to an overlay zone.

The applicant proposes to incorporate this parcel into the Eva Gardens subdivision, at which time it will be reconfigured to have the required road frontage, and to meet all other requirements of the Zoning Ordinance and Development Regulations.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

Parcel contains a single-family residence and accessory buildings.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned R-50. See the following table and the attached Zoning Map.

The subject property is bounded on all sides by the new subdivision called Eva Gardens, which is zoned R-50 and will be a single-family residential subdivision. The subject property will be incorporated into the subdivision.

Direction	Acreage	Zoning	Use	Comprehensive Plan
All sides	42	R-50	Single Family Residential	Low Density Residential (1 unit/1 acre)

E. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential on the Future Land Use Plan map. This request does conform to the Fayette County Comprehensive Plan.

F. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property does not have road frontage in its current configuration. It is a legal lot of record with a recorded access easement. If it is approved for rezoning, the developer will revise the subdivision plan and provide the required road frontage on an interior subdivision street.

Site Plan: The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

G. DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works/Engineering**
 - **Road Frontage & Right of Way Dedication** - No dedication required.
 - **Traffic Data** – N/A
 - **Sight Distance** – N/A
- ☐ **Environmental Management** - No objections.
 - **Floodplain Management** -- The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
 - **Watershed Protection** -- There **ARE** state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning. This is not approval of future requirements of this office.
- ☐ **Fire** – No comments.
- ☐ **GDOT** – n/a

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 Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has low density residential uses. It is staff's opinion that the zoning proposal is not likely to adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-135. R-50, Single-Family Residential District.

(a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-50 zoning district:

- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

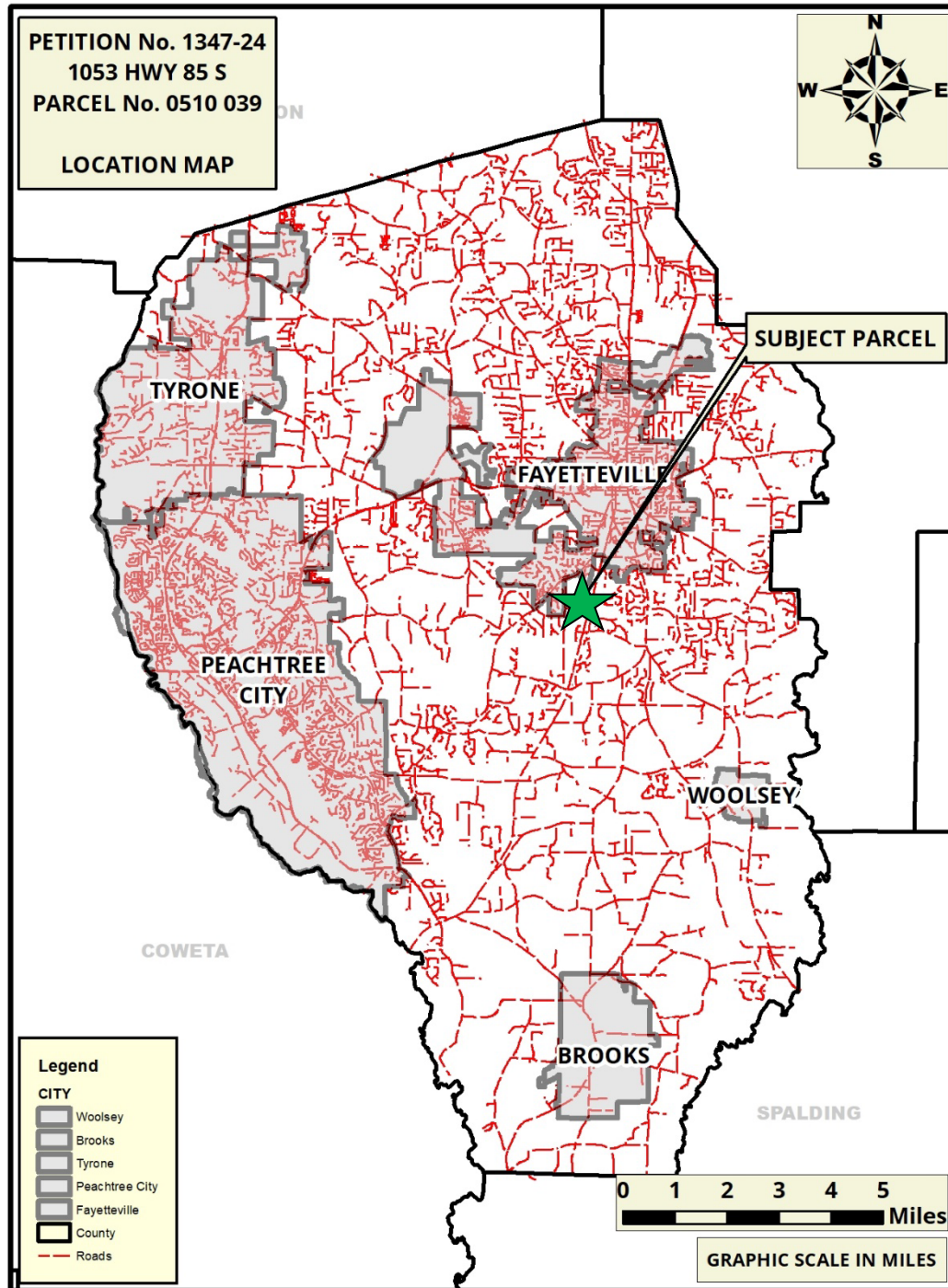
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

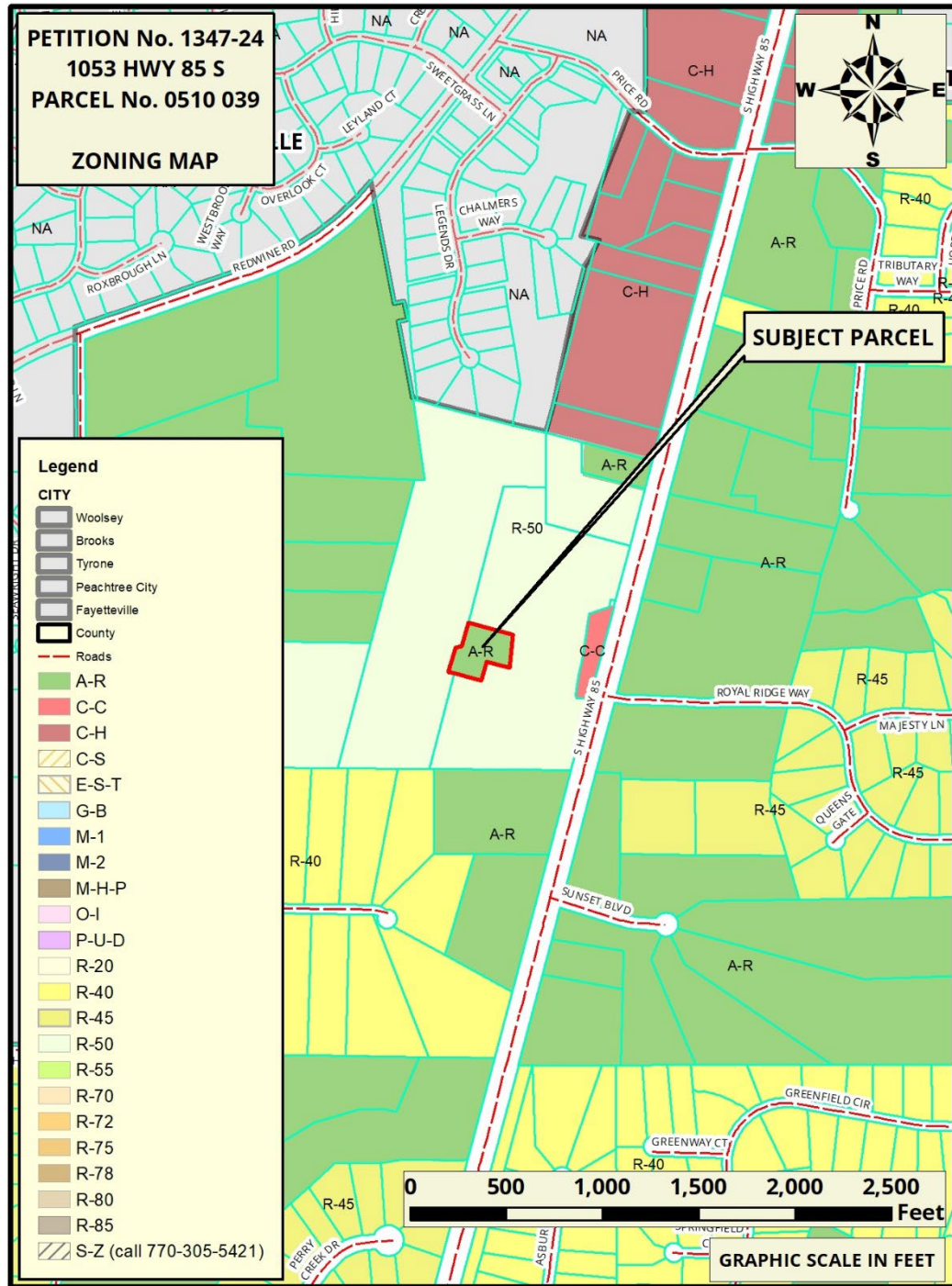
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

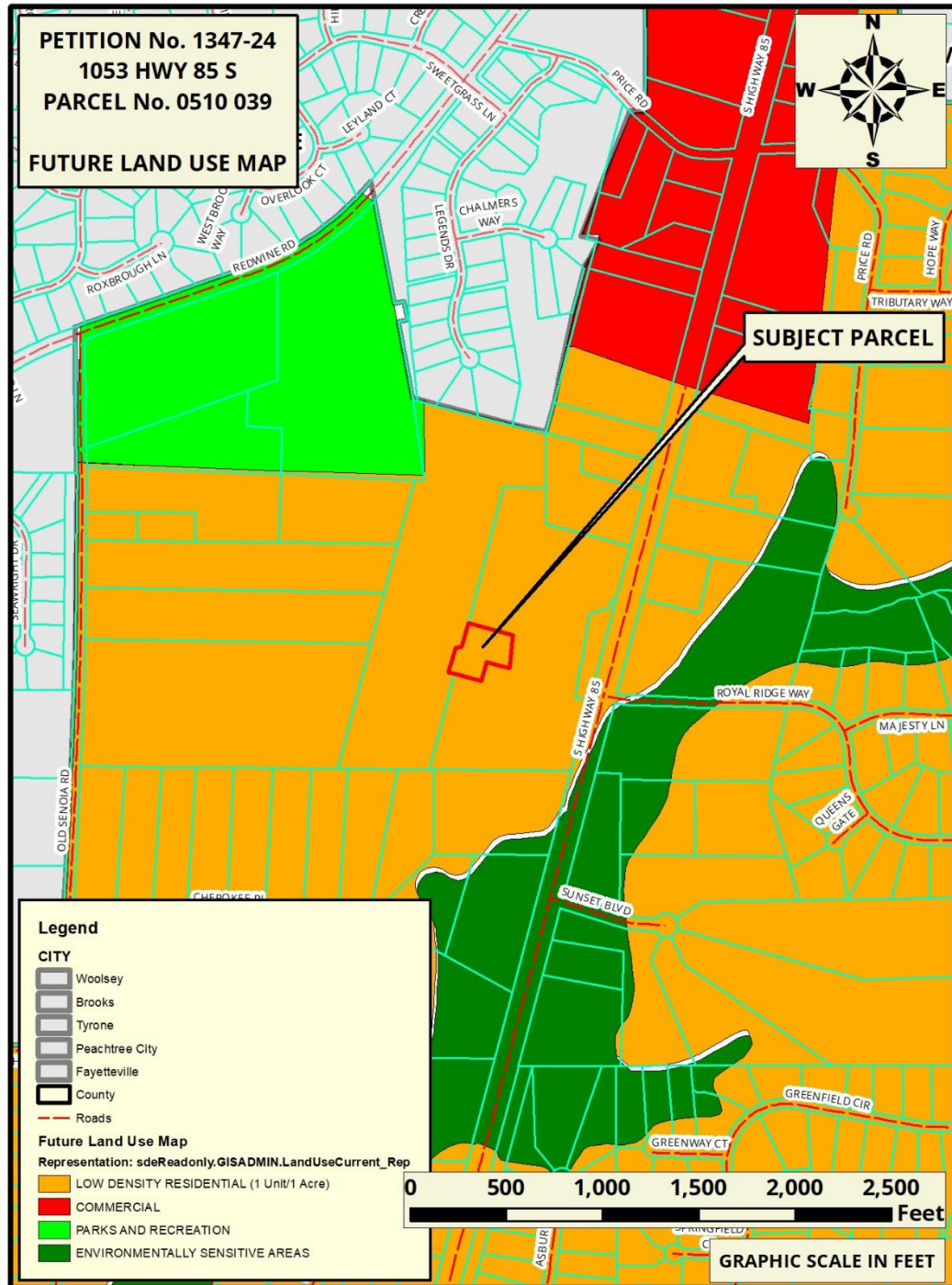
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

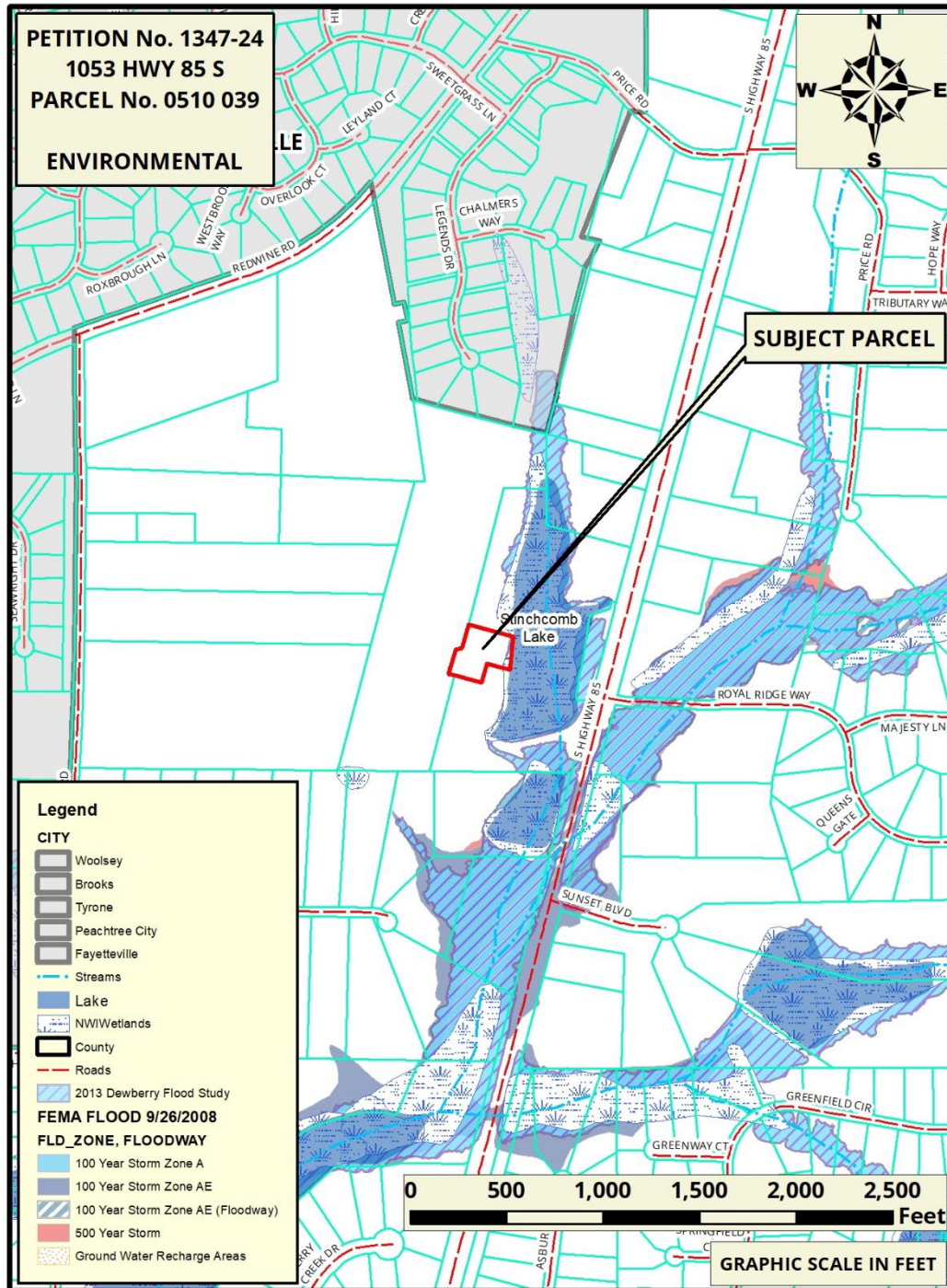
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

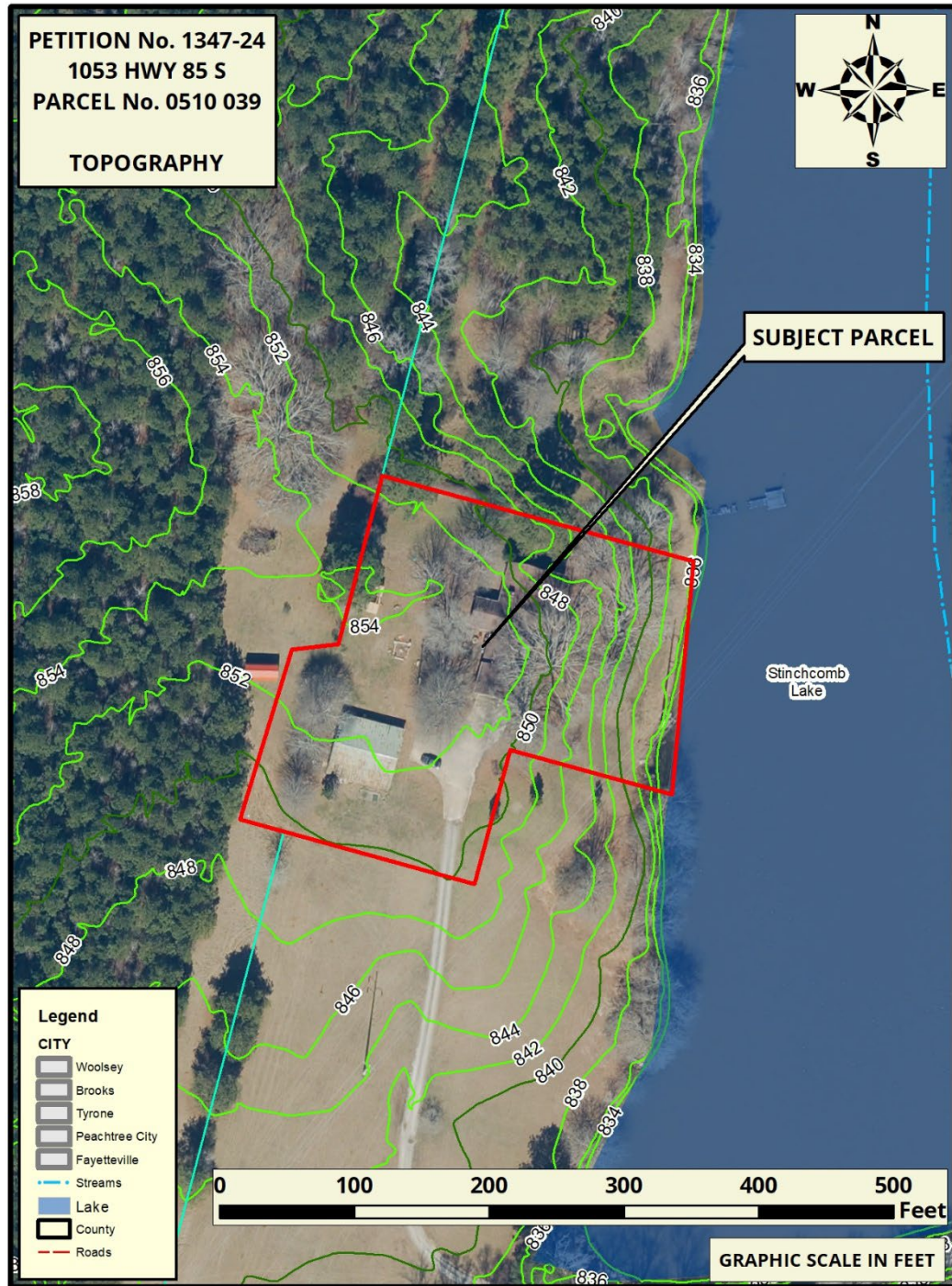
(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)



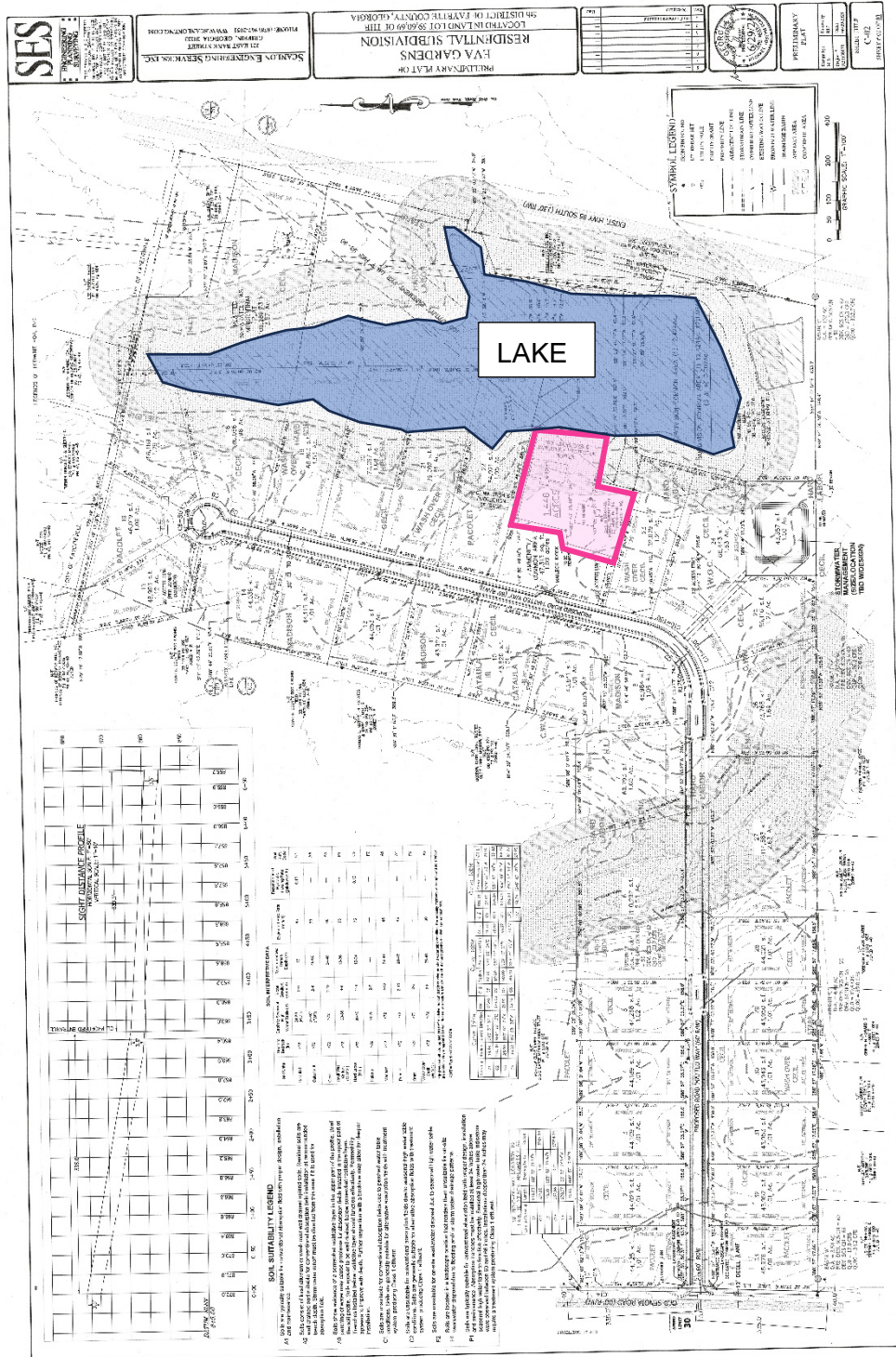








SURVEY



CONCEPT PLAN

PETITION No (s): 1347-24

STAFF USE ONLY

APPLICANT INFORMATION

Name JEFF LAMMES
Address 652 Sunflower Dr
City Canton
State GA Zip 30114
Email jefflammes@gmail.com
Phone 770 560 5195

PROPERTY OWNER INFORMATION

Name Mr. Luis Arango
Address 149 W85 Parkway Suite B
City Fayetteville
State GA Zip 30214
Email Luis@arangoinsulation.com
Phone 404 323 7397

AGENT(S) (if applicable)

Name _____
Address _____
City _____
State _____ Zip _____
Email _____
Phone _____

Name _____
Address _____
City _____
State _____ Zip _____
Email _____
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: May 2, 2023

DATE OF COUNTY COMMISSIONERS HEARING: May 23, 2023

Received from Jeffrey A. Lammes a check in the amount of \$ 250.00 for application filing fee, and \$ 100.00 for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

3/11/2024

\$250.00

20477

3/13/2024

\$100.00

20479

PETITION No.: B47-24 Fees Due: _____ Sign Deposit Due: \$100.00 Paid 3/13/24
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0510 021, 0510 0024 Acreage: 1.09
Land District(s): _____ Land Lot(s): _____
Road Name/Frontage L.F.: _____ Road Classification: _____
Existing Use: AMMENITY Proposed Use: R-50
Structure(s): 0 Type: _____ Size in SF: 47,313
Existing Zoning: AMMENITY R50 Proposed Zoning: R50
Existing Land Use: AMMENITY Proposed Land Use: R-50 / AMMENITY
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0510 039 Acreage: 1.446
Land District(s): _____ Land Lot(s): _____
Road Name/Frontage L.F.: _____ Road Classification: _____
Existing Use: AR Proposed Use: R-50
Structure(s): 1 Type: Single Family Home Size in SF: 2550
Existing Zoning: AR Proposed Zoning: R-50
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
Land District(s): _____ Land Lot(s): _____
Road Name/Frontage L.F.: _____ Road Classification: _____
Existing Use: _____ Proposed Use: _____
Structure(s): _____ Type: _____ Size in SF: _____
Existing Zoning: _____ Proposed Zoning: _____
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

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:

Malvea Holdings LLC

(Please Print)

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

(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

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

X (II)

[Signature]
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

03-11-24.
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: Luis Arango

ADDRESS: 149 N 85 Parkway

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

Luis Arango affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) _____ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

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

☐ Legal description for subject property is as follows:

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

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15th DAY OF March, 2024

[Signature]
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria Del Pilar Cardenas

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Lois Arango, 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 11th day of March, 2024.

[Signature]

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria Del Pilar Cordoba
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 .
- [X] 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 11th day of March, 2020.

X [Signature]

APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions:



No

☐ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

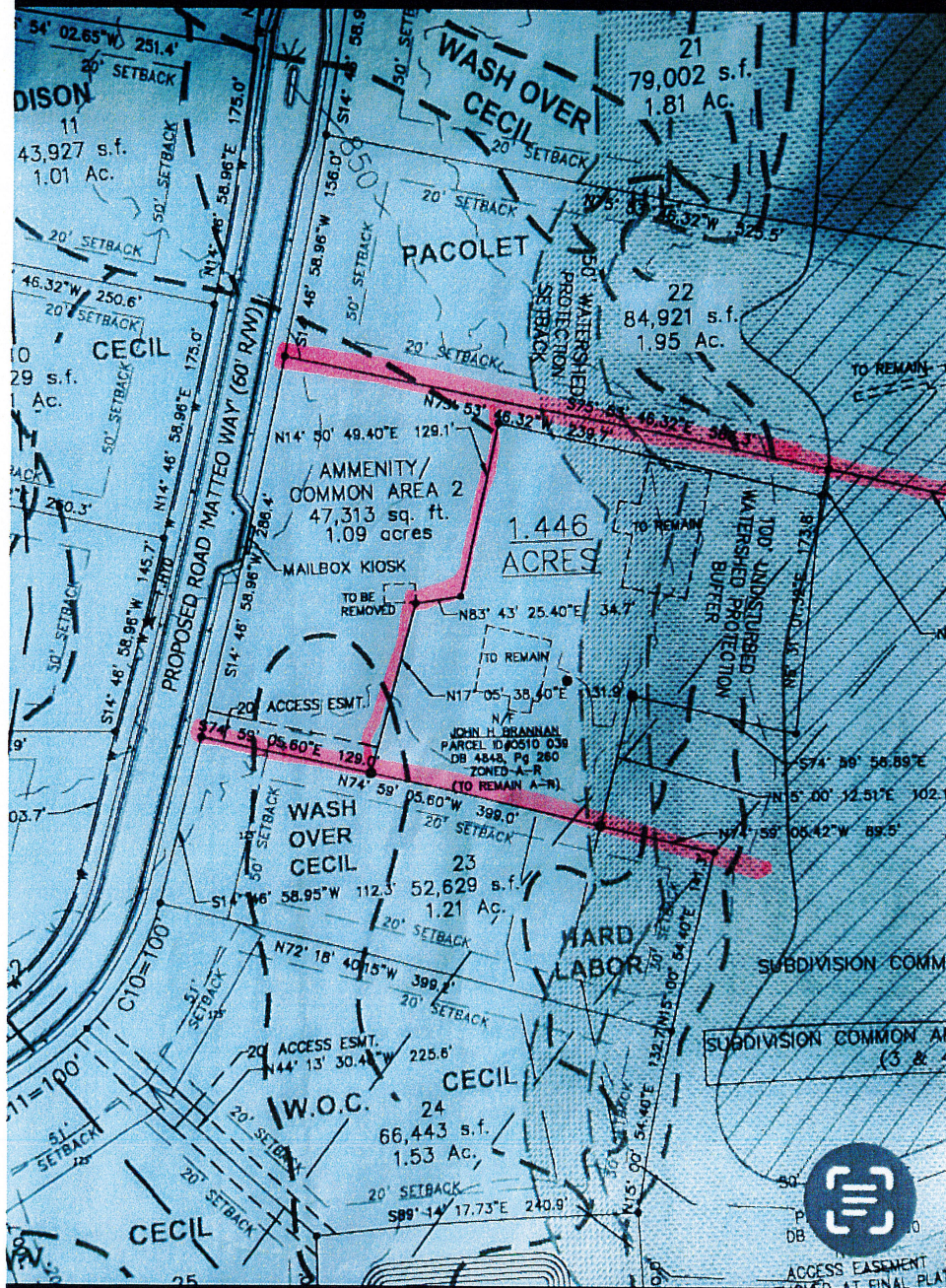
(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the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

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

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

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

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



Return to:

Edge & Kimbell Law, LLC

503 Commerce Drive
Peachtree City, GA 30269

File No.: PTC-21-2632

Parcel ID: 0510 039

Type: WD

Recorded: 12/3/2021 11:16:00 AM

Fee Amt: \$355.80 Page 1 of 3

Transfer Tax: \$330.80

Fayette, Ga. Clerk Superior Court

Sheila Studdard Clerk of Court

Participant ID: 9035938284

BK 5413 PG 545 - 547

LIMITED WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 24th day of November, 2021 between

John H. Brannan and Dana L. Brannan,

of the State of Georgia, as parties of the first part, hereinafter called Grantors and

Malueva Holdings, LLC, a Georgia Limited Liability Company,

as party 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: Grantors, for and in consideration of the sum of **THREE HUNDRED THIRTY THOUSAND EIGHT HUNDRED AND 00/100 Dollars (\$330,800.00)** AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **1053 Highway 85 S, Fayetteville, GA 30215**


SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

AND THE SAID Grantors will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantors.

IN WITNESS WHEREOF, the Grantors have signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:


UNOFFICIAL WITNESS

Notary Public John A. Kimbell
My Commission Expires: February 23, 2025
SEAL:

 (SEAL)

John H. Brannan

 (SEAL)

Dana L. Brannan

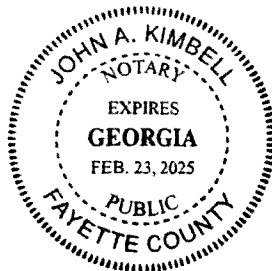


EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN SURVEY PREPARED FOR BILLY RAY POSEY AND DEBORAH S. POSEY BY MATTHEW J. LANGLEY, GA RLS 3227, OF W.D GRAY AND ASSOCIATES, INC, GEORGIA LAND SURVEYORS DATED DECEMBER 20, 2018, AS RECORDED AT PLAT BOOK 51, PAGE 192, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

TOGETHER WITH THAT EXISTING 50' ACCESS EASEMENT PER PLAT BOOK 11, PAGE 101, FAYETTE COUNTY RECORDS.

PARCEL #: 0510 039

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

Annual Registration

Electronically Filed

Secretary of State

Filing Date: 03/14/2024 10:48:45

BUSINESS INFORMATION

BUSINESS NAME : Malueva Holdings, LLC
CONTROL NUMBER : 21292868
BUSINESS TYPE : Domestic Limited Liability Company
ANNUAL REGISTRATION PERIOD : 2024, 2025

BUSINESS INFORMATION CURRENTLY ON FILE


PRINCIPAL OFFICE ADDRESS : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA
REGISTERED AGENT NAME : Luis G Arango
REGISTERED OFFICE ADDRESS : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA
REGISTERED OFFICE COUNTY : Fayette

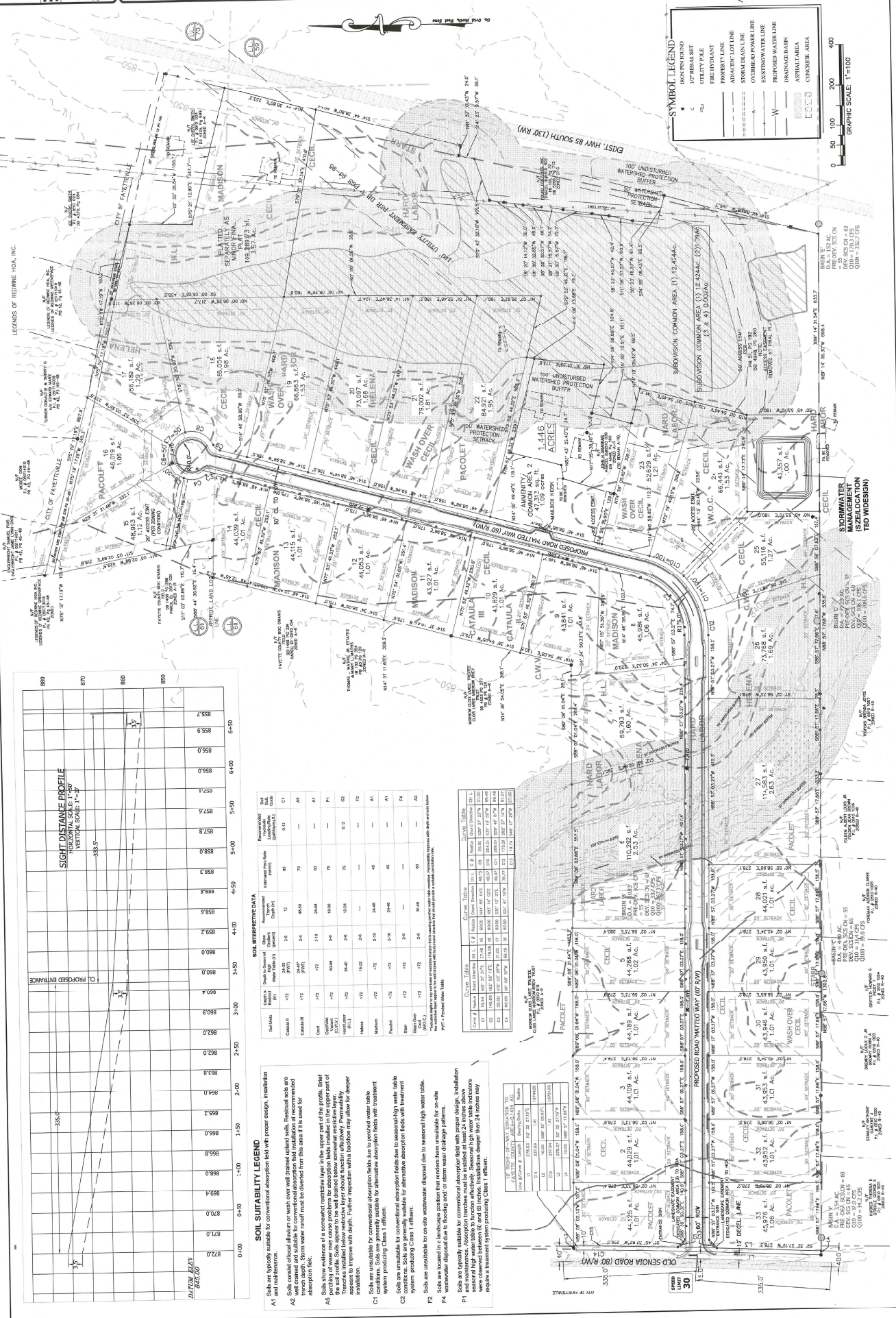
UPDATES TO ABOVE BUSINESS INFORMATION

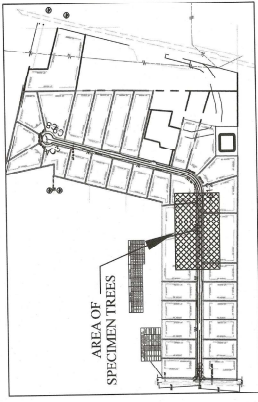
PRINCIPAL OFFICE ADDRESS : 643 Royer Court, Suite B, Atlanta, GA, 30342, USA
REGISTERED AGENT NAME : Luis G Arango
REGISTERED OFFICE ADDRESS : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA
REGISTERED OFFICE COUNTY : Fayette

AUTHORIZER INFORMATION

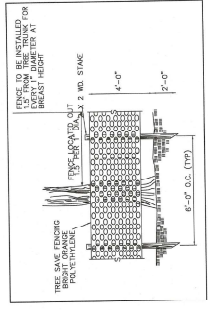
AUTHORIZER SIGNATURE : Neftali Velez
AUTHORIZER TITLE : Authorized Person







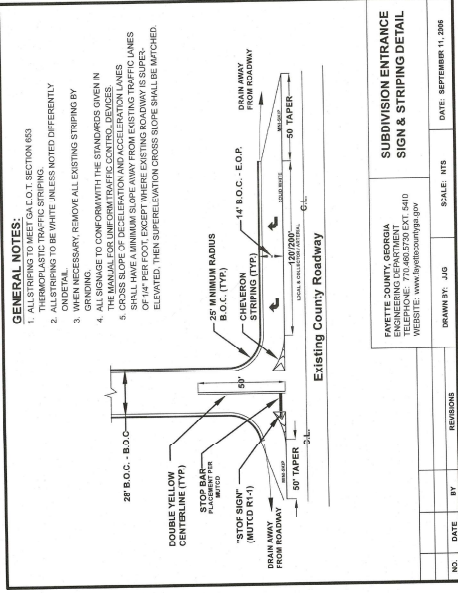
SITE PLAN
NTS



TREE PROTECTION DETAIL
NTS

TOTAL SPECIMEN TREES

Plant Number	Plant Description
1	24' MAG
2	24' MAG
3	24' MAG
4	24' MAG

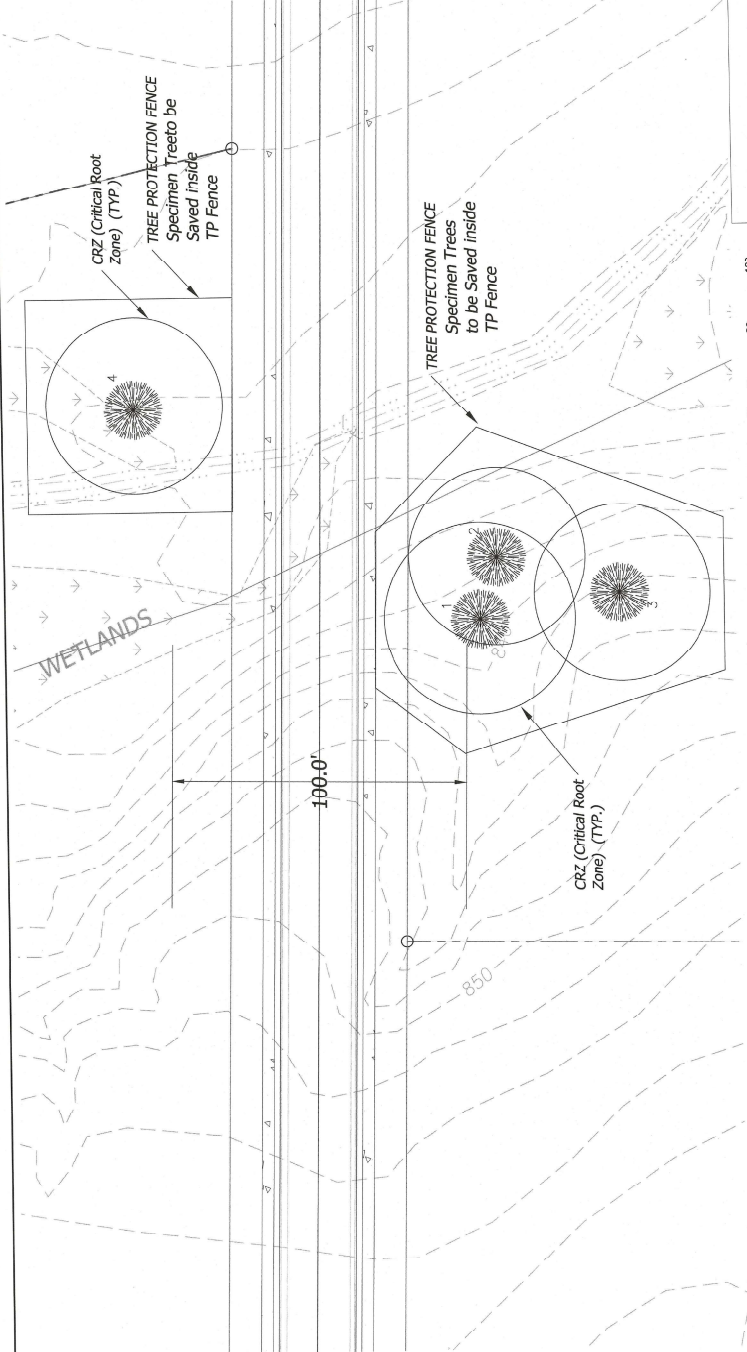


SUBDIVISION ENTRANCE
SIGN & STRIPING DETAIL

FAYETTE COUNTY, GEORGIA
ENGINEERING DEPARTMENT
1000 N. GAINESVILLE ROAD, SUITE 400
GAINESVILLE, GEORGIA 30601
WWW.FAYETTECOUNTYGA.GOV

DATE: SEPTEMBER 11, 2008
DRAWN BY: JAG
CHECKED BY: JAG
APPROVED BY: JAG
SCALE: 1"=20'

DATE: SEPTEMBER 11, 2008



GRAPHIC SCALE: 1"=20'

TREE NOTES:

- TREE PROTECTION FENCE (SEE DETAIL) SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE. TREE PROTECTION SHALL BE MAINTAINED THROUGHOUT THE PROJECT DURATION. BUILDING CONTRACTOR SHALL MAINTAIN THE TREE PROTECTION FENCE THROUGHOUT THE PROJECT DURATION.
- SPECIMEN TREES IDENTIFIED TO BE PRESERVED SHALL HAVE FOUR (4) FOOT TREE PROTECTION FENCING INSTALLED AT THE CRITICAL ROOT ZONES.
- NO PERSON ENGAGED IN THE CONSTRUCTION OF ANY STRUCTURE(S) OR IMPROVEMENT(S) OR ANY ACTIVITY SHALL ENCROACH OR PLACE SOLVENTS, MATERIAL, CONSTRUCTION MACHINERY OR TEMPORARY SOIL STORAGE WITHIN SIX(6) FEET OF THE CRITICAL ROOT ZONE OF ANY EXISTING SIGNIFICANT TREE WITHIN A TREE SAVE AREA, TRANSITIONAL OR UNDISTURBED BUFFER ZONE.
- ALL TREE PROTECTION DEVICES MUST REMAIN IN FUNCTIONING CONDITION UNTIL COMPLETION OF THE PROJECT OR UNTIL THE CERTIFICATE OF OCCUPANCY IS ISSUED.
- ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY AND REPLACED OR REPAIRED AS NEEDED.
- ALL TREE PROTECTION DEVICES ARE TO BE INSTALLED PRIOR TO START OF LAND DISTURBANCE AND MAINTAINED UNTIL FINAL LANDSCAPING IS INSTALLED.
- NO PARKING, STORAGE, OR OTHER CONSTRUCTION SITE ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS.
- ALL REQUIRED REPLACEMENT VEGETATION MUST BE MAINTAINED FOR TWO GROWING SEASONS AFTER THE DATE OF FINAL INSPECTION.
- ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.
- SITE VISIT BY LANDSCAPE ARCHITECT ON 7-16-21 TO FIELD LOCATE AND IDENTIFY SPECIMEN TREES WITHIN 100' EACH SIDE CENTERLINE AS STAKED IN FIELD.

ENGINEER'S NOTE:

AS THE ENGINEER IN RESPONSIBLE CHARGE OF THE DESIGN/PERMITTING OF EVA GARDENS SUBDIVISION, IT IS MY PROFESSIONAL OPINION THAT IN ARTICLE VI, SECTION D, NUMBERS 1 THROUGH 5 ARE NOT NEEDED FOR THIS SITE.

NO SPECIMEN TREES WILL BE REMOVED.

MICHAEL J. SCANLON, P.E.

ENGINEER

LANDSCAPE PLAN BY:
MICHAEL J. SCANLON, P.E.
SCANLON ENGINEERING SERVICES, INC.
GAINESVILLE, GA 30601
PH. 770-967-2051
email: JOE@SCAN-ONENG.COM

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Petition No: 1347-24

Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1347-24
Owner/Agent:	Luis Arango/Jeff Lammes
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0510039
Area of Property:	1.446
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 60 of the 5 th District
Fronts on:	Old Senoia Road

**LEGAL DESCRIPTION
EXHIBIT "A"**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN SURVEY PREPARED FOR BILLY RAY POSEY AND DEBORAH S. POSEY BY MATTHEW J. LANGLEY, GA RLS 3227, OF W.D GRAY AND ASSOCIATES, INC, GEORGIA LAND SURVEYORS DATED DECEMBER 20, 2018, AS RECORDED AT PLAT BOOK 51, PAGE 192, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

TOGETHER WITH THAT EXISTING 50' ACCESS EASEMENT PER PLAT BOOK 11, PAGE 101, FAYETTE COUNTY RECORDS.

PARCEL #: 0510 039