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John Kruzan, Vice-Chairman
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Jim Oliver
Boris Thomas

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

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
June 6, 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 May 2, 2024
5. Final Plats

PUBLIC HEARING

6. Consideration of Petition No. 1348-24, Mark Wurster, II, owner; request to rezone 7.972 acres from A-R (Agricultural-Residential) to C-H (Highway Commercial) for the purposes of developing as a commercial property. Property is located in Land Lot 70 of the 5th District and fronts on SR 85 and Price Road.
7. Consideration of Revised Development Plan RDP-018-24, Andrew and Catherine Mask, owners; request to revise the development plan for Bakersfield Farms to allow Tract 11, a 20.000-acre tract, to be subdivided into two (2) tracts. Property is located in Land Lot 213 of the 4th District and fronts on Old Farm Rd.
8. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-169.-Conditional use approval. 2) Conditional uses allowed. mm. Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

Meeting Minutes 5/2/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on May 2, 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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Debbie Bell requested to amend the agenda to add approval of the following minor final plats: Adams Farm 1805, LLC and William Jerry Cleveland as item number 5, 405 Bankstown Road as item number 6, Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item number 8.

Danny England made a motion to approve the agenda with the addition of the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property as item number 5, Minor Final Plat of 405 Bankstown Road as item number 6, minor final plat for Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item 8. Public Hearing items will now be items 9-13. John Kruzan seconded the motion. The motion carried 5-0.

4. Consideration of the Minutes of the meeting held on April 4, 2024

Danny England made a motion to approve the minutes of the meeting held on April 4, 2024. Jim Oliver seconded the motion. The motion passed unanimously.

5. Approval of Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property.

Debbie Bell stated this is a minor plat subdividing the tract. The minor final plat has been reviewed and approved by staff.

John Kruzan made the motion to approve the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland. Danny England seconded the motion. The motion passed unanimously.

6. Approval of the Minor Final Plat for 405 Bankstown Road.

Deborah Sims stated this is simply a plat to subdivide one parcel into two parcels. It has been reviewed and approved by staff.

John Kruzan made a motion to approve the Minor Final Plat for 405 Bankstown Road. Danny England seconded the motion. The motion carried 5-0.

7. Approval of the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC.

Deborah Sims explained this is the west side of the US Soccer Federation. One of the conditions of rezoning was the combination of parcels. This final plat is the combination of parcels on the west side of Veterans Parkway. This plat has been reviewed and approved by staff.

John Kruzan made the motion to approve the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. Danny England seconded the motion. The motion passed unanimously.

8. Approval of the Minor Final Plat for Veterans Parkway Tract 1.

Deborah Sims explained this is the east side of the US Soccer Federation property. This plat has been reviewed and approved by staff.

John Kruzan made the motion to approve the Minor Final Plat for Veterans Parkway Tract 1. Danny England seconded the motion. The motion passed unanimously.

PUBLIC HEARING

9. 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.

Debbie Bell introduced petition 1345-24-A. This is one (1) parcel of three (3) being rezoned for the development of one (1) neighborhood. There is a total of 19.272 acres to be rezoned from A-R to R-50 and concurs with the Future Land Use Plan of one (1) unit per one (1) acre. All parcels are legal lots of record. The staff report will be presented once, but there will be separate hearings for each parcel.

The existing house on parcel 0722 003 does not meet the dimensional requirements, so staff recommends conditional approval with the demolition of this structure within 90 days of

rezoning.

The existing barn on parcel 0722 062 does not meet the requirements of an accessory structure in R-50. Staff recommends the existing barn be demolished within 90 days of rezoning.

The included concept plan indicates parcel 0722 010 will be used primarily for stormwater detention. There are no significant environmental factors affecting this development. Staff recommends the three (3) parcels in this rezoning be combined into a single parcel with an approved, recorded plat within 90 days of rezoning.

Randy Boyd is representing the children of the Richard E. Lamb, Sr. Estate and LDO Fayette, LLC, a Brent Scarbrough company. LDO Fayette, LLC has a current contract on this property and intends to develop the property if the rezoning petition is approved. This is a 19.272 acre tract of land on the west side of Ellison Road currently zoned A-R which is five (5) acres. The applicant is requesting R-50 zoning which requires a 2,100 square foot house.

Ellison Road is a collector road on the Fayette County Thoroughfare Plan. Collector roads require an 80-foot right-of-way. Research indicates the right-of-way was dedicated in 1967. Posted speed limit is 35 miles per hour.

Applicant has completed the level one soils analysis, so minimal changes in the final development are expected.

Completing the recorded plat within ninety (90) days should not be a problem, but the demolition of the existing house currently has a tenant. State law requires a notice of at least sixty (60) days to tenants to vacate the property. Should the tenant not vacate as requested, the applicant would have to an approved eviction prior to demolition. The eviction procedure can take anywhere from fifteen (15) to seventy-five (75) days to proceed through the court system.

Tax records indicate the home was constructed in 1962. Prior to the approval of a demolition permit, the structure would have to be tested for lead based paint and asbestos. Structures with lead and/or asbestos are required to have a mitigation process.

The applicant humbly requests 180 days to remove the existing structures. If all went perfectly, it could happen in ninety (90) days, but things don't seem to go that way now. That allows time for the tenant to relocate and any mitigation required for demolition of an older structure.

Mr. Boyd also requests 180 days to remove the barn. Demolition requires heavy equipment and multiple dumpsters. It would save if the applicant only had to pay one (1) mobilization expense.

No one else spoke in favor or opposition of the rezoning.

Boris Thomas asked why the tenant had not already been notified since the property was under contract and what was the anticipated price point of the proposed development.

Randy Boyd stated the anticipated price point was \$750,000.

Boris Thomas stated traffic was already a problem for people coming onto Tyrone Road from Dogwood Trail. He wondered how much longer it would be before Fayette County would have to install a traffic light or some type of traffic control in the area.

Randy Boyd explained he did not have those numbers in front of him, nor were traffic studies required for rezonings. Mr. Boyd said he will speak with Phil Mallon at Public Works to see if he had that answer. In response to the notice question, the clients preferred to wait until the rezoning was approved to give notice to the tenant. The rental income from the tenant assists in paying the tax requirements until the property can be sold.

Jim Oliver asked Debbie Bell if rather than staff placing specific time requirements on demolition, it be a condition of before the approval of the minor final plat.

Debbie Bell explained the specific time was a recommendation by the county attorneys. There is a currently a property that was rezoned with the condition of five (5) foot right-of-way dedication prior to site plan approval. The property has never been developed, so the right-of-way has not been dedicated to the county.

While it is unlikely this applicant would not follow through on the rezoning conditions for this project, should the property not be developed, the county would have allowed a structure less than the minimum square footage and not have an avenue to make the property come into compliance. That is why legal has requested a time frame.

Staff does not have any objection to extending the time frame to accomplish the conditions. The time frame concern is legal.

Danny England asked how burdensome it was for the petitioner to extend the time frame in a condition of rezoning.

Debbie Bell explained the petitioner is required to submit a new rezoning petition to change and/or remove any of the conditions approved with the original rezoning. Staff has not yet acted on an unmet condition that quickly. Staff sends letters attempting to bring the property into compliance prior to taking the rezoning back to the board. Currently, staff is working an applicant with a condition to demolish a building that is more than one (1) past due. While this procedure is not reassuring nor is it a guarantee additional time would be allowed, it is currently the practice.

Danny England suggested this be discussed during a work session. If the time lapses, it seems onerous for the petitioner to be required to follow the entire rezoning process to allow for additional time to meet the conditions. He recommended agreeing to 180 days.

Boris Thomas stated he agreed with staff's current recommendation of ninety (90) days or maybe an additional thirty (30) days. The shorter time frame would be a motivator for the developer to meet the conditions.

Danny England said the impetus was on developers to move as quickly as possible to allow them to proceed to the next project. Situations when the development did not proceed and has unmet conditions are outside the control of the Planning Commission. County legal is wanting to enforce a time frame that potentially the real-world development schedules cannot meet. "There is a disconnect between what we would like to see on the county's side and what is actually attainable in real life. We've got to be a little sensitive to that and not throw out hurdles and barriers to development that the people in the field trying to meet just can't do."

Randy Boyd explained he is currently scrambling to submit a rezoning application for a property that was rezoned to C-H in 1988 with a couple of conditions. The conditions only allowed certain businesses, so the applicant needs to rezone from C-H Conditional to C-H to remove the conditions. When you get conditions like this that are unmet, the required rezoning process adds a significant amount of time to the development process.

Jim Oliver made the motion to recommend approval of Petition 1345-24-A with the following amended conditions:

- 1. Within 180 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 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

Danny England seconded the motion. The motion carried 5-0.

10. 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.

Debbie Bell stated the amended conditions.

There was no one to speak in favor or opposition of the rezoning.

Jim Oliver made the motion to recommend approval of Petition 1345-24-B with the following amended conditions:

- 1. Within 180 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 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

Danny England seconded the motion. The motion carried 5-0.

11. 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.

Debbie Bell stated the amended conditions per previous discussion.

There was no one to speak in favor or opposition of the rezoning.

Jim Oliver made the motion to recommend approval of Petition 1345-24-C with the following amended conditions:

- 1. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

Danny England seconded the motion. The motion carried 5-0.

12. 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.

Debbie Bell explained the applicant is proposing to develop three (3) lots without any additional roads. This complies with the Future Land Use Plan. The existing house has been demolished since the staff report was prepared, so that is no longer a condition. There is a small stream on the property, but it does not pose a major environmental impact. The houses will most likely be toward the front of the lot, so they do not have to cross the stream.

Trent Foster with Allegiance Homes stated the main reason for the rezoning request was to prevent oddly shaped lots. He does not like houses that are looking into the neighbor's back yard.

Raymond Lewis at 423 Snead Road spoke in opposition. He is surprised to see a request for so many homes on such a narrow piece of land. The rezoning decreases the setbacks along the side and rear. He would prefer not to look into the neighbor's yards as well. He does not want to see the additional lights from the new homes, the tree removal, nor the additional stormwater runoff. He stated he would prefer the property be developed as A-R without any standardization.

Jeri Troesken of 455 Snead Road spoke in opposition. She stated the stream is not a little stream, it is Lake Horton. It is a major stream. It is a torrent of water. Her problems began when Snead Road was paved. She receives all the runoff. She is having a terrible time with sediment. It has basically choked her pond. It has to be a huge torrent to be able

to get water into her pond. It is like an island in certain spots and down the stream. That means it overflows because it cannot freely go into the pond. The new homes will change the topography greatly. The runoff will be quite different. There is already a substantial wetland that is mosquito ridden and stays wet all the time. The natural springs that fed the area are no longer there because of the runoff. She would like something in the proposal to assist with her problems.

Her son is an engineer in the Marietta/Woodstock area. He proposed the road department put in a concrete flume, and that is all right. It does capture some of the water, but it doesn't take care of the sediment that comes down the hill. Water is a concern.

Ms. Troesken stated she is also concerned that no one on Snead Road received a notice. She has lived there for thirty-five (35) years, so you can imagine how she feels about putting a "bunch of houses on that road." She realizes progress goes on, however she would like to limit the number of houses that can be put on this property to three (3).

Danny England felt many of Ms. Troesken's concerns were beyond rezoning and get into engineering. Traffic and water are two of the most common concerns. Neither of these concerns are handled by the Planning Commission. The County Engineering Department would work to make sure the development does not put any additional pressure on the creek.

Ms. Troesken stated her son told her the Planning Commission meeting was the place to bring the concerns. Fayette County makes the rule on the rezoning and they need to be aware of the problem.

Ms. Troesken is also concerned about the line of sight. There is a curve in the road and a very steep hill. She has to be very careful exiting her driveway.

Danny England explained sight distance was the next stage.

Ms. Troesken asked how to keep the development to three (3) houses.

Danny England explained that the development plan submitted shows three (3) lots. Planning Commission can only react to what is presented. There wasn't anything preventing them from changing the plan if it could meet the requirements.

Trent Foster stated he had no objections to a condition of only three (3) lots. Secondly, the water flows from the front of the lot to the stream, so it should not increase the stormwater runoff.

Boris Thomas asked if it was possible to condition the number of lots.

Debbie Bell stated we couldn't restrict the number of lots. The property could be developed per the zoning.

Danny England stated he is glad Mr. Foster took the extra step to rezone in order to get

three lots that give the proper relationship from house to house. This will also allow continuity of character. The rezoning leads to a better finished product.

Boris Thomas thought it was an odd look and is concerned about the curve on Snead Road. He thought maybe there should be a sign on the driveways once the homes are built.

Jim Oliver made the motion to recommend approval with the following conditions:

- 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 fo the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.***

Danny England seconded the motion. The motion carried 4-0. Boris Thomas abstained.

13. 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.

Debbie Bell stated 1053 Highway 85 S. This is a landlocked parcel. It is a legal nonconforming lot. The house does meet the dimensional requirements of R-50 Zoning. This is a parcel the developer was unable to obtain initially. The development plan for Eva Gardens will be revised to incorporate this property into the new development.

Jeff Lammes stated Eva Gardens is currently under construction. Changing the zoning allows this property to be incorporated into Eva Gardens. The existing house will be used for Fire EMS training before it is demolished.

There was no one to speak in favor or opposition.

John Kruzan made the motion to recommend approval of Petion 1347-24. Boris Thomas seconded the motion. The motion carried 4-0. John Culbreth was absent.

ADJOURNMENT:

John Kruzan moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8.02 p.m.

**PLANNING COMMISSION
OF**

FAYETTE COUNTY

JOHN CULBRETH, SR.
CHAIRMAN

ATTEST:

DEBBIE BELL
DIRECTOR, PLANNING & ZONING

PETITION NO: 1348-24

REQUESTED ACTION: Rezone from A-R to C-H

PARCEL NUMBER: 0517 027

PROPOSED USE: Future Commercial Use

EXISTING USE: Vacant land, formerly single-family residential

LOCATION: Price Road and SR 85 S

DISTRICT/LAND LOT(S): 5th District, Land Lot 70

ACREAGE: 7.972 acres

OWNER(S): Mark Wurster

AGENT: N/A

PLANNING COMMISSION PUBLIC HEARING: June 6, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: June 27, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 7.972 acres from A-R (Agricultural-Residential) to C-H (Highway Commercial) for the purposes of future commercial development.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Commercial Use is designated for this area, so the request for C-H zoning is appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **APPROVAL** of the request for a zoning of C-H, Highway Commercial District.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal lot of record based on the ordinance criteria.

This property is located in the General State Route Overlay Zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land.

B. SURROUNDING ZONING AND USES

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	2.35	C-H	Medical Office Building	Commercial
East	8.1	A-R	Single Family Residential	Low Density Residential (1 Unit /1 acre)
South	2.02	R-40	Vacant Land	Commercial
West (across SR 85 S)	10.66	C-H	Commercial	Commercial

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on SR 85 S and Price Road.

Site Plan: The applicant submitted a survey for the property.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is provided by the City of Fayetteville Water Department. The water main is on the south side of Price Road and is 8" DIP.
- ☐ **Public Works**
 - There is no traffic data for Price Road.
 - SR 85 AADT is 22,700 vehicles ¾ mile north of Price Road and 13,600 vehicles 1 mile south of Price Road.
 - The speed limit on Price Road is 25 MPH, requiring 280 ft. of sight distance. Sight distance has not been verified.
 - The speed limit on SR 85 changes between 45 MPH and 55 MPH along this parcel. GDOT will be responsible to permit access to this property from SR 85.
- ☐ **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 as to the existence or non-existence of wetlands.
 - Watershed Protection -- There ARE state waters located on the subject property and the site WILL BE subject to the Fayette County Watershed Protection Ordinance upon subdivision.
 - 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 for a major subdivision or commercial site plan.
- ☐ **Environmental Health Department** – This office has no objection to the rezoning.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – The property owner should obtain their access to the property off of Price Road, with the access being located a minimum of 100' from the edge of pavement of SR 85, if access is desired from SR 85 a developmental site plan should be presented to GDOT for review/recommendations.

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 Commercial 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 commercial uses. There are some residential uses to the east, but staff does not anticipate that a commercial use within this area will have an adverse impact on the adjacent parcels.
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 highway commercial.

ZONING DISTRICT STANDARDS

Sec. 110-144. C-H, Highway Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
 - (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement or recreational facility, indoor or outdoor;
 - (3) Appliance sales, installation and/or repair;
 - (4) Armories, for meetings and training military organizations;
 - (5) Art studio;
 - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
 - (7) Bakery;
 - (8) Bank and/or financial institution;
 - (9) Banquet hall/event facility;
 - (10) Bookbinding;
 - (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
 - (12) Bus passenger station (pick-up and drop-off only);
 - (13) Cabinet manufacturing, sales, repair and/or installation;
 - (14) Car wash and/or detailing facility;
 - (15) Catering service;
 - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
 - (17) Clothing store and/or variety store;
 - (18) College and/or university, including classrooms and/or administration only;
 - (19) Copy shop;
 - (20) Cultural facility;
 - (21) Day spa;
 - (22) Department store;
 - (23) Drug store;

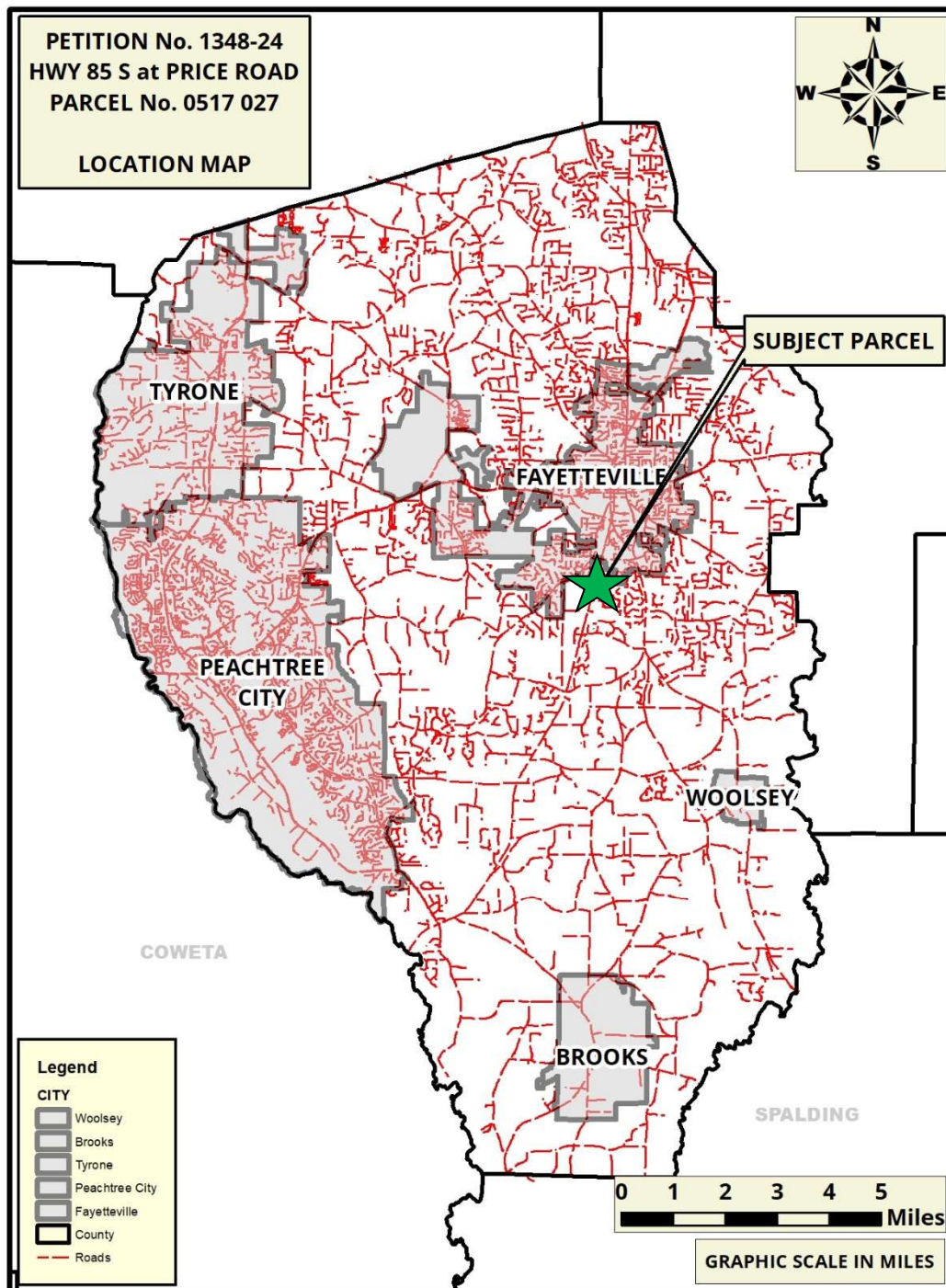
- (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
- (25) Electronic sales and/or repair;
- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;

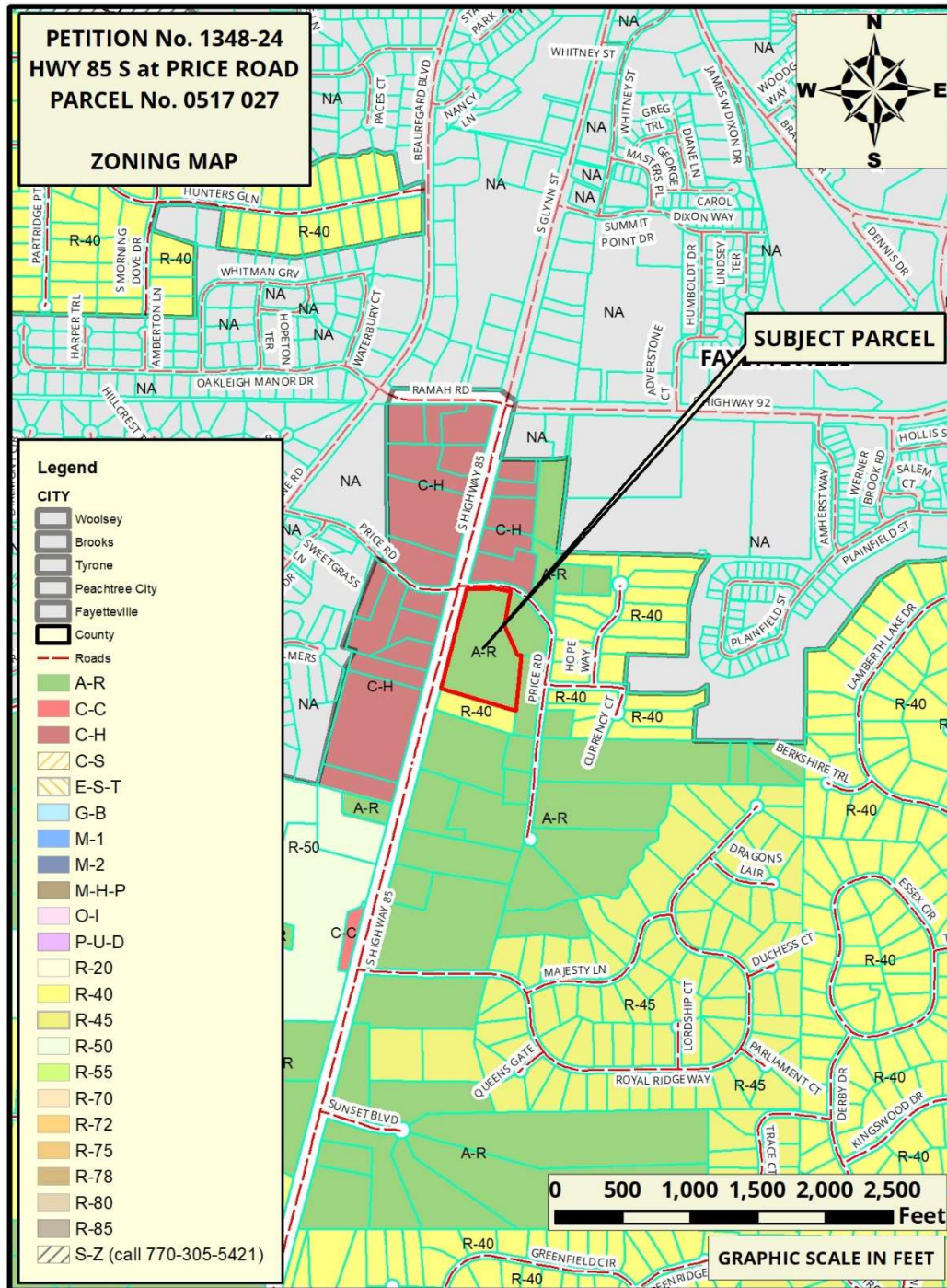
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 - (57) Pest control;
 - (58) Plant nursery, growing crops/garden, and/or related sales;
 - (59) Printing, graphics, and/or reproductions;
 - (60) Private clubs and/or lodges;
 - (61) Private school, including classrooms and/or administration only;
 - (62) Recording studio (audio and video);
 - (63) Radio studio;
 - (64) Railroad station;
 - (65) Rent-alls;
 - (66) Restaurant, including drive-in and/or drive-through;
 - (67) Retail establishment;
 - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;

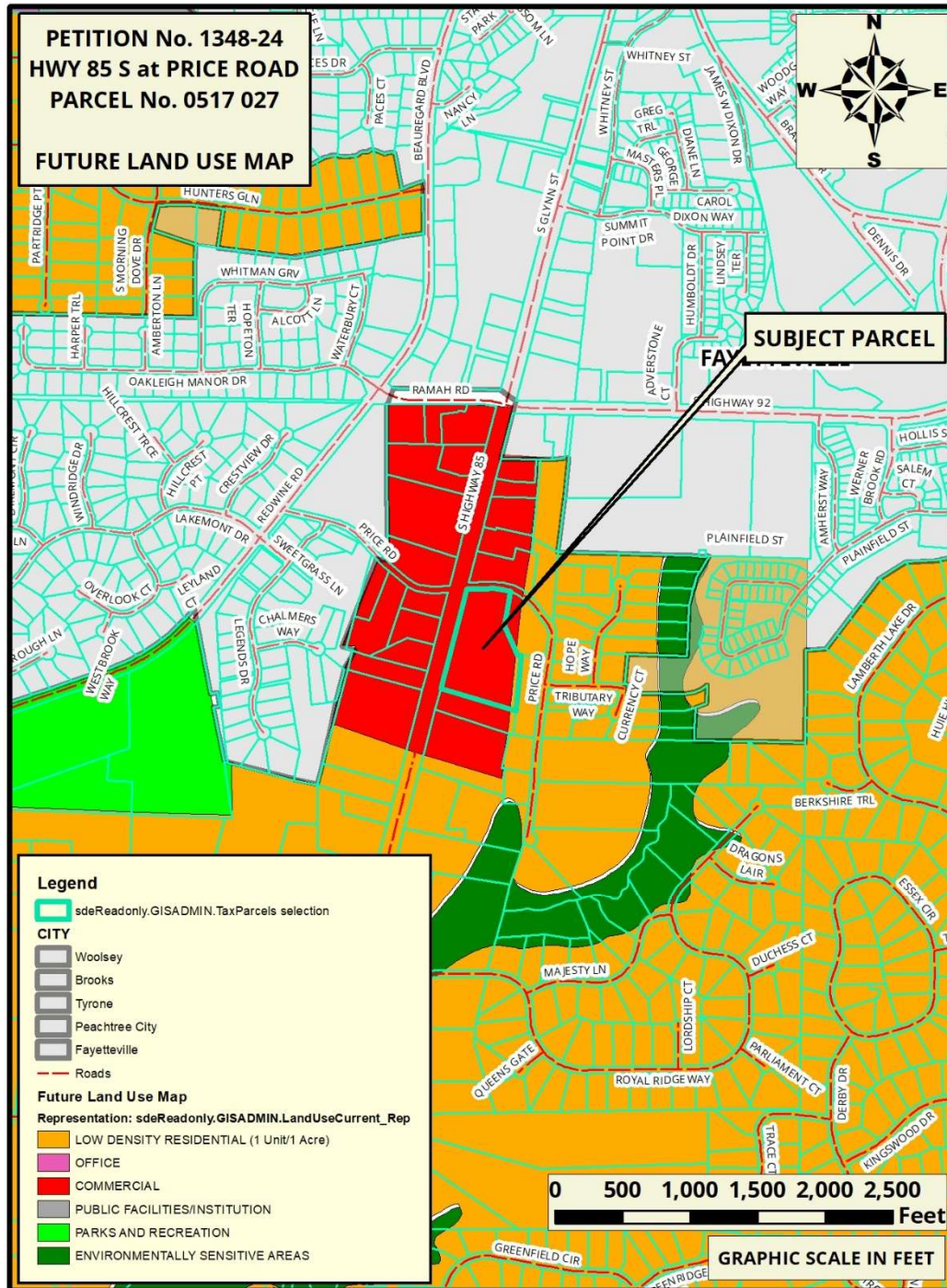
- (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);
 - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

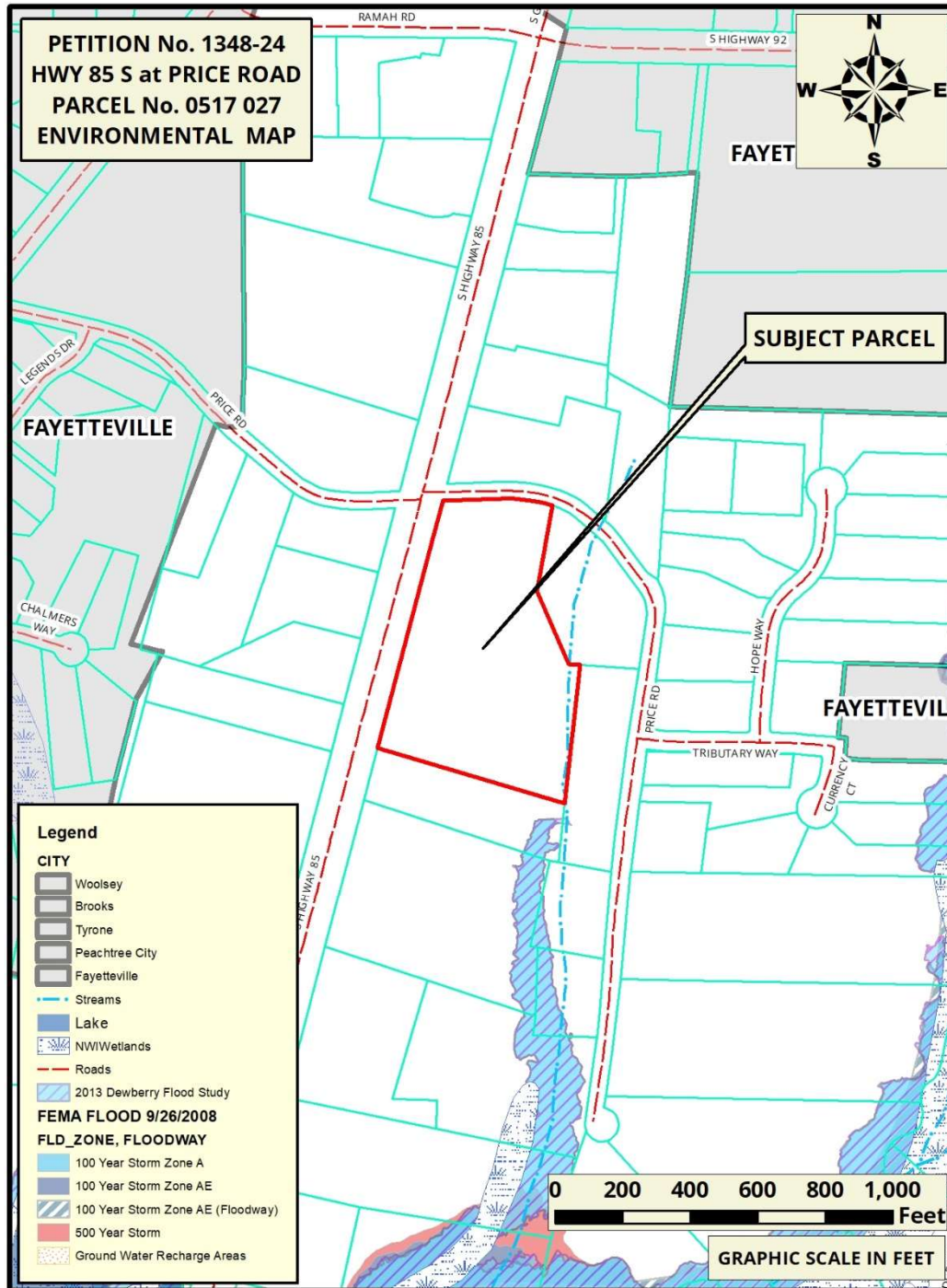
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

(Code 1992, § 20-6-20; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 5, 6, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 5, 6, 10-25-2018; Ord. No. 2020-02, §§ 10, 11, 5-28-2020; Ord. No. 2021-05, § 1, 3-25-2021; Ord. No. 2021-09, § 3, 5-27-2021; Ord. No. 2021-10, § 1, 5-27-2021)

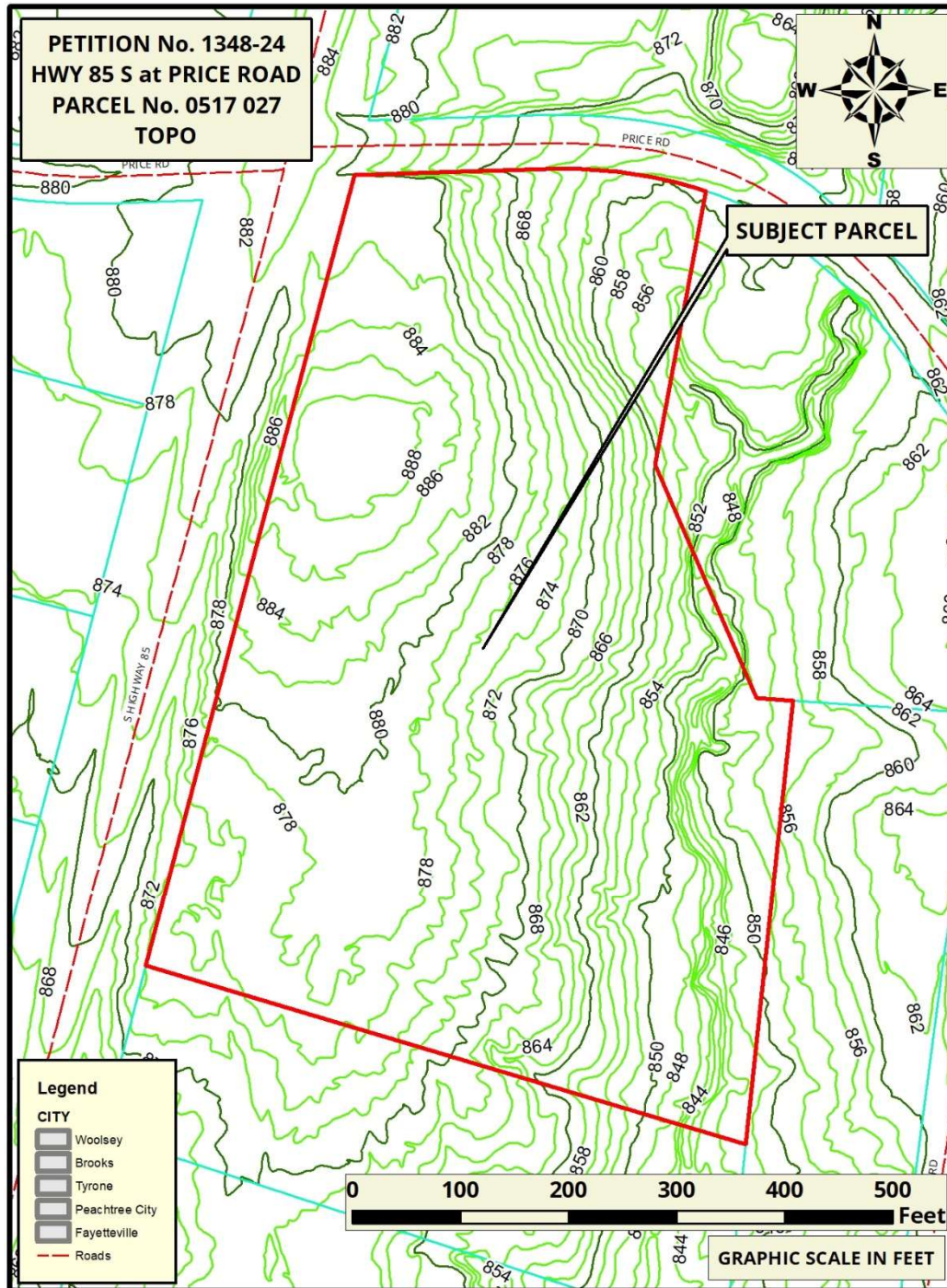














PETITION No (s): _____

STAFF USE ONLY

APPLICANT INFORMATION

Name MARK WUNSTON
Address 180 WALTER WAY STE 114
City FAYETTEVILLE GA
State GA Zip 30214
Email [REDACTED]
Phone 770-467-7861

PROPERTY OWNER INFORMATION

Name SAMUEL AS APPLICANT
Address _____
City _____
State _____ Zip _____
Email _____
Phone _____

AGENT(S) (if applicable)

Name MARK WUNSTON II
Address 180 WALTER WAY STE 114
City FAYETTEVILLE
State GA Zip 30214
Email MARKSWUNSTONII@GMAIL.COM
Phone 678-300-0956

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): 0517 027 Acreage: 7.972
Land District(s): 5 Land Lot(s): 70
Road Name/Frontage L.F.: Gateway 85 S + Prairie Road Road Classification: _____
Existing Use: AR Proposed Use: CH
Structure(s): Ø Type: _____ Size in SF: _____
Existing Zoning: AR Proposed Zoning: CH
Existing Land Use: AR Proposed Land Use: CH
Water Availability: on Property Distance to Water Line: _____ Distance to Hydrant: on Property

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:

mark wunsten
(Please Print)

Property Tax Identification Number(s) of Subject Property: 0517 027

(I am) (we are) the sole owner(s) of the above referenced property requested to be rezoned. Subject property is located in Land Lot(s) 70 of the 5 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 7.972 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to mark wunsten II 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) Mark Wunsten
Signature of Property Owner 1

Address _____

Signature of Property Owner 2

Address _____

Signature of Property Owner 3

Address _____

Signature of Authorized Agent

Address _____

Kim Yarbrough
Signature of Notary Public

3-26-24

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: MARK WUNSTEN

ADDRESS: 180 Walter way ste 114 Fayetteville Ga 30214

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

mark wunsten 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 \$ _____ 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 26th DAY OF March, 2024.

Mark Wunsten
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Kim Yarbrough
NOTARY PUBLIC

Kim Yarbrough
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
My Commission Expires
01/07/2028

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Mark Winsten, 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 See Attached Drawing Dated 2/26/2024 as measured from the centerline of the road.
By SA Gaskins and Associates

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:

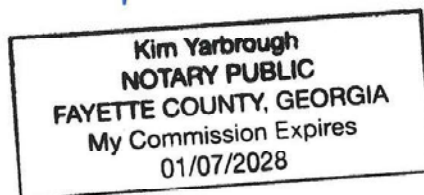
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 26th 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 26th day of March, 2024.

APPLICANT'S SIGNATURE

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).

Participant ID: 9152897021

BK 5696 PG 686

or recording return to:
Huddleston Law Group, LLC
ATTN: KELLY
225 N. Jeff Davis Drive
Fayetteville, GA 30214
File # 24-011

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 20TH day of **FEBRUARY, 2024**, between **MYRTLE COOPER WILSON** of the State of Georgia, as party of the first part, hereinafter called Grantor, and **MARK WURSTER**, as parties of the second part, hereinafter called Grantee (the words "Grantor(s)" and "Grantee(s)" 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 AND 00/100 DOLLARS (\$10.00)** and other good and valuable considerations 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(s), the following described property:

All that tract or parcel of land lying and being in Land Lot 70 of the 5th District of Fayette County, Georgia, containing 7.972 acres of land as shown on that certain survey prepared by S.A. Gaskins & Associates, LLC for Mark Wurster, dated 2/20/24 as recorded in Plat Book 101, Page 565, Fayette County Records.

Parcel # 0517 027

This deed is given subject to all easements, covenants and restrictions of record, if any.

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 Grantees 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 Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, this 20TH day of **FEBRUARY, 2024** in the presence of:

Unofficial Witness

Notary Public

(My commission expires


MYRTLE COOPER WILSON



March 27, 2024

To whom it may concern,

The purpose of this rezoning request is to change property from AR to CH to comply with Fayette County's current land use plan.

Mark Wurster II

A handwritten signature in dark ink, consisting of several overlapping, stylized strokes that form a cursive representation of the name Mark Wurster II.

S.A. GASKINS & ASSOCIATES, LLC.

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

sagaskins55@gmail.com

678-618-5067

JOHN 3.16

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	122.48'	328.04'	121.75'	S 80°24'24" E

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 41,587 FEET AND AN ANGULAR ERROR OF 00° 00' 01" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.

FLOOD STATEMENT

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0113E. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

SURVEYORS CERTIFICATION

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

FINAL SURVEYOR'S CERTIFICATE

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

BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 1620
DATE: 02/20/24



LEGEND

BL=BUILDING LINE
CL=CENTERLINE
CTP=CRIMP TOP PIPE
D.B.=DEED BOOK
D.E.=DRAINAGE EASEMENT
ESMT=EASEMENT
EP=EDGE OF PAVEMENT
F.W.P.D.=FIELD WORK PERFORMED DATE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
NF=NOW OR FORMERLY
P.B.=PLAT BOOK
PG.=PAGE
P.O.B.=POINT OF BEGINNING
F.H.=FIRE HYDRANT
RBF=REBAR FOUND
RBS=REBAR SET
R/W=RIGHT OF WAY
UP=UTILITY POLE
OHT=OVERHEAD UTILITY LINES

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

Prepared For
MARK WURSTER

Scale: 1" = 100'

F.W.P.D. 02/15/24

Date: 02/20/24

County: FAYETTE, GA.

Land Lot: 70

Job No: SA24-013A

District: 5TH

GRID NORTH
WEST ZONE
NAD 83

PRICE ROAD 60' RW
N 88°53'55" E 210.23'
24' ASPHALT
C1 FH
1/2" RBS
N 80°24'24" E 121.75'
N 72°48'13" W 536.04'
N 14°47'33" E 780.08'
GEORGIA STATE ROUTE NO. 85 130' RW
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PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, June
6, 2024, at 7:00 P.M., and before
the Fayette County Board of Com-
missioners on Thursday, June 27,
2024, at 5:00 P.M., in the Fayette
County Administrative Complex,
140 Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

Petition No.: 1348-24
Owner/Agent: Mark Wurster II
Existing Zoning District:

A-R

Proposed Zoning District:

C-H

Parcel Number: 0517 027

Area of Property: 7.972

Proposed Use: Commercial

Land Lot(s)/District: Land Lot 70
of the 5th District

Fronts on: Price Road and SR 85 S

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL
OF LAND IN LAND LOT 70 OF
THE 5 TH DISTRICT OF FAY-
ETTE COUNTY, GEORGIA, AND
BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT LO-
CATED ON THE NORTHERLY
RIGHT-OF-WAY OF PRICE ROAD
(60' RIGHT-OF-WAY) AND THE

EASTERLY RIGHT-OF-WAY OF
GEORGIA STATE ROUTE NO. 85
(130' RIGHT-OF-WAY) AND BE-
ING THE TRUE POINT OF BE-
GINNING; THENCE RUNNING
ALONG THE RIGHT-OF-WAY OF
PRICE ROAD N 88 53 55 E A DIS-
TANCE OF 210.23' TO A POINT;
THENCE CONTINUING ALONG
SAID RIGHT-OF-WAY AND
CURVING TO THE RIGHT AN
ARC DISTANCE OF 122.46' SUB-
TENDE BY A CHORD BEARING
OF S 80 24 24 E A CHORD DIS-
TANCE OF 121.75' AND HAVING
A RADIUS OF 328.04' TO A 1/2"
RBS; THENCE LEAVING SAID
RIGHT-OF-WAY AND RUNNING
S 13 16 16 W A DISTANCE OF
233.80' TO A 1/2" RBF; THENCE
RUNNING S 21 16 07 E A DIS-
TANCE OF 234.65' TO A 3/4"
PIPE; THENCE RUNNING S 05
34 28 W A DISTANCE OF 423.21'
TO A 2" RBF; THENCE RUNNING
N 72 48 13 W A DISTANCE OF
536.04' TO A 1/2" RBF ON THE
RIGHT-OF-WAY OF GEORGIA
STATE ROUTE NO.85; THENCE
RUNNING ALONG SAID RIGHT-
OF-WAY N 14 47 33 E A DIS-
TANCE OF 750.06' TO A POINT
AND THE TRUE POINT OF BE-
GINNING.

AREA 7.972 ACRES

PARCEL #: 0517 027

05/22

RDP-018-24

REQUESTED ACTION: Revise the Development Plan for Bakersfield Farms Subdivision

PARCEL NUMBER: 0443 03005

PROPOSED USE: A-R, Agricultural-Residential Single-Family Subdivision

EXISTING USE: Lot in single-family residential neighborhood

LOCATION: Lot 11, Bakersfield Farms aka 290 Old Farm Road

ZONING: A-R, Agricultural-Residential

LOT SIZE: 20.000 Acres

DISTRICT/LAND LOT(S): 4th District, Land Lot 213

OWNER(S): Andrew Mask and Catherine B. Mask

AGENTS: William Zerkus and Sarah Mask

PLANNING COMMISSION PUBLIC HEARING: June 6, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: June 27, 2024

REQUEST

Per Sec. 104-595.(2)h.2., proposed revisions to a recorded major final plat shall, after prescribed public notice, be considered in public hearings before the planning commission and board of commissioners.

APPLICANT'S INTENT

Applicant proposes to revise the development plan for Bakersfield Farms Subdivision by subdividing Lot 11, consisting of 20.000 Acres, into 2 parcels. Proposed Lot 11-A will consist of approximately 13.5 acres and proposed Lot 11-B will consist of approximately 6.5 acres.

STAFF ASSESSMENT

At 20.000 acres, the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district. Both proposed lots will continue to meet the requirements of the A-R district. The existing structures on Lot 11-A will meet these requirements if the property is subdivided as per the concept plan. It is staff's opinion that this change in the development is not likely to adversely impact the existing subdivision by adding a residential lot.

	FACTORS TO CONSIDER	STAFF ASSESSMENT
(i)	<i>Street character.</i> Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.	<i>This request does not add or alter the location or setback of any structures and should not significantly alter the character of the neighborhood. The existing homes are set well back from the road, and some of them are set near the very backs of the lots.</i>
(ii)	<i>Lot size character.</i> Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will be smaller than existing lots.	<i>This request would not change the character of the residential lots. Several of the larger lots have been subdivided previously.</i>
(iii)	<i>Lot width character.</i> Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will be more narrow than existing lots.	<i>The lot width character will be somewhat different. The road frontage requirement will be met, then the lot will be wider at the rear to accommodate a house with the appropriate lot width and setbacks.</i>
(iv)	<i>Change of principal use.</i> Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.	<i>The proposal will not change the use of property; the new lot will be single-family residential and is large enough to retain the agricultural character of the neighborhood.</i>

A. GENERAL PROPERTY INFORMATION

Rezoning History:

[illegible]

B. SURROUNDING ZONING AND USES

The parcels surrounding the subject property are all zoned A-R and the Future Land Use Map for all these parcels is Rural Residential-3, 1 Unit/3 Acres. 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	24.41	A-R	Single-family Residential	Rural Residential – 3-acre minimum
South	9.00	A-R	Single-family Residential	Rural Residential – 3-acre minimum
East	11.45	A-R	Single-Family Residential	Rural Residential – 3-acre minimum
West	6.00	A-R	Single-Family Residential	Rural Residential – 3-acre minimum

C. 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 conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

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

Site Plan: The applicant submitted a concept plan for the property. It DOES meet the current requirements for A-R, which requires that a parcel be at least 5 acres in size.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** – Water is not available. The address of 290 Old Farm Rd is currently outside of Fayette County Water Systems service area.
- ☐ **Public Works/Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the addition of lot 11B into the development plan of Bakersfield Farms. However, this is not approval of the future division into 2 properties. Additional requirements must be met at the time of submission for the division.
- ☐ **Fire** – No objections.
- ☐ **GDOT** – Not applicable, not on State Route.

STANDARDS FOR CONSIDERATION OF A REVISED DEVELOPMENT PLAN

Article XV. – Subdivision Regulations.

Sec. 104-595. – Approval of subdivisions.

(2) Major or minor final plat.

h. *Revision to a recorded final plat.*

[Staff Note: Please refer to the table on the page 2 for staff assessment of these factors.]

1. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See [section 104-596](#) for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section.
2. Proposed revisions to a recorded major final plat of any existing residential or agricultural-residential subdivisions which adds property to, increases the number of platted lots, or changes the principal use on a lot shall be considered in public hearings before the planning commission and the board of commissioners and public notification shall comply with [section 110-301](#), Public notification. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing these requests:
 - i. *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
 - ii. *Lot size character.* Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will be smaller than existing lots.
 - iii. *Lot width character.* Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will be more narrow than existing lots.

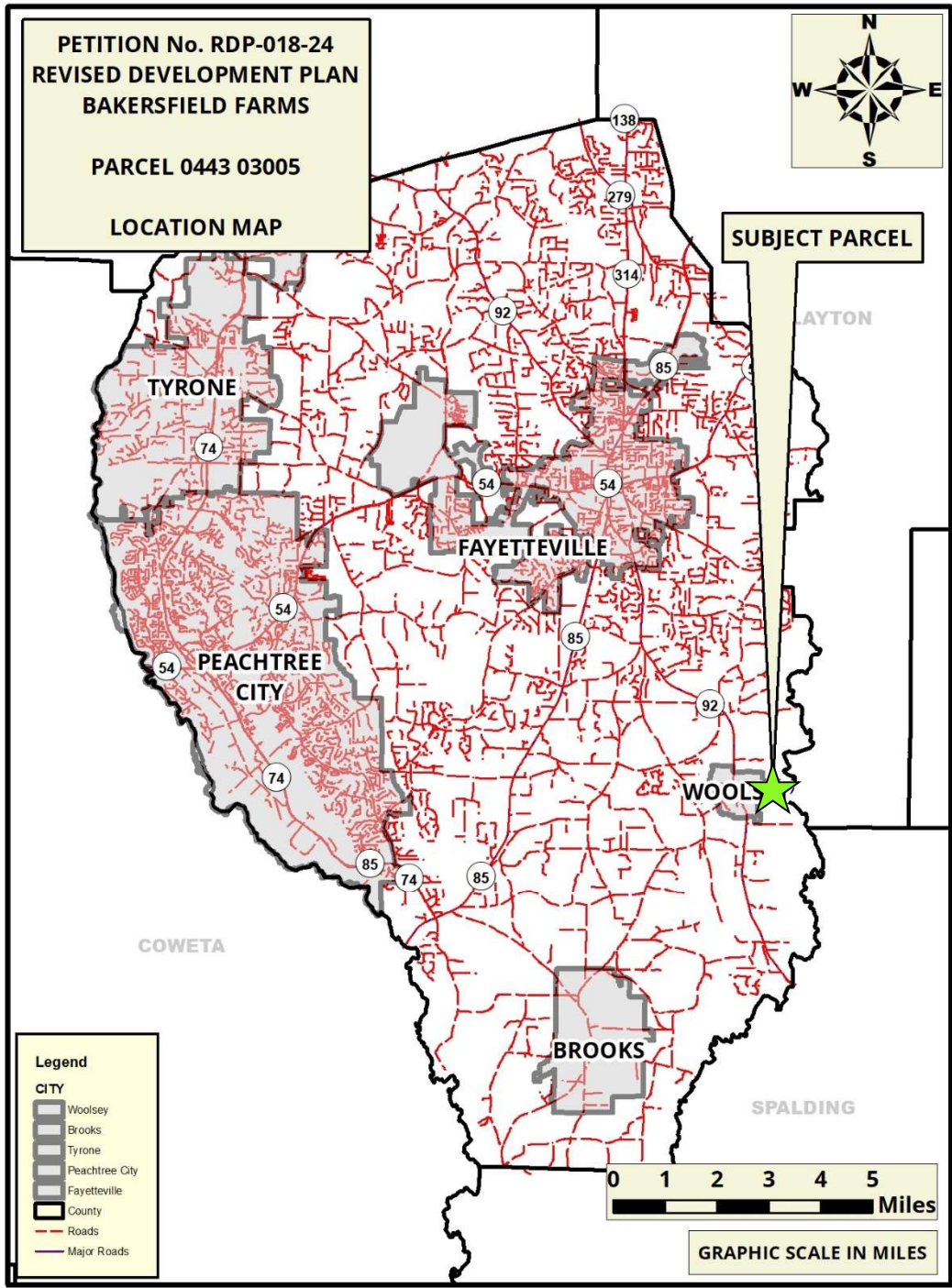
- iv. *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.

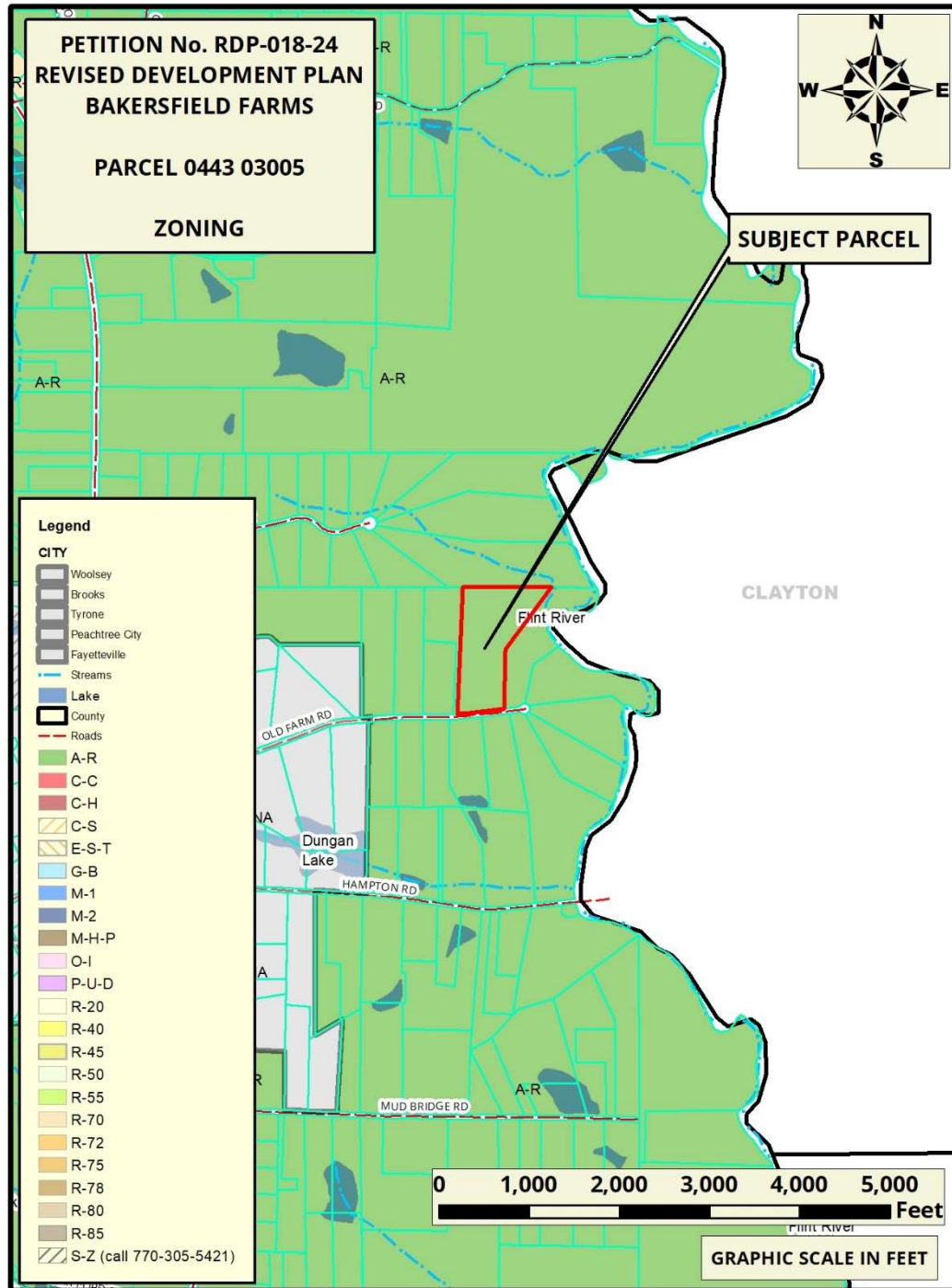
ZONING DISTRICT STANDARDS

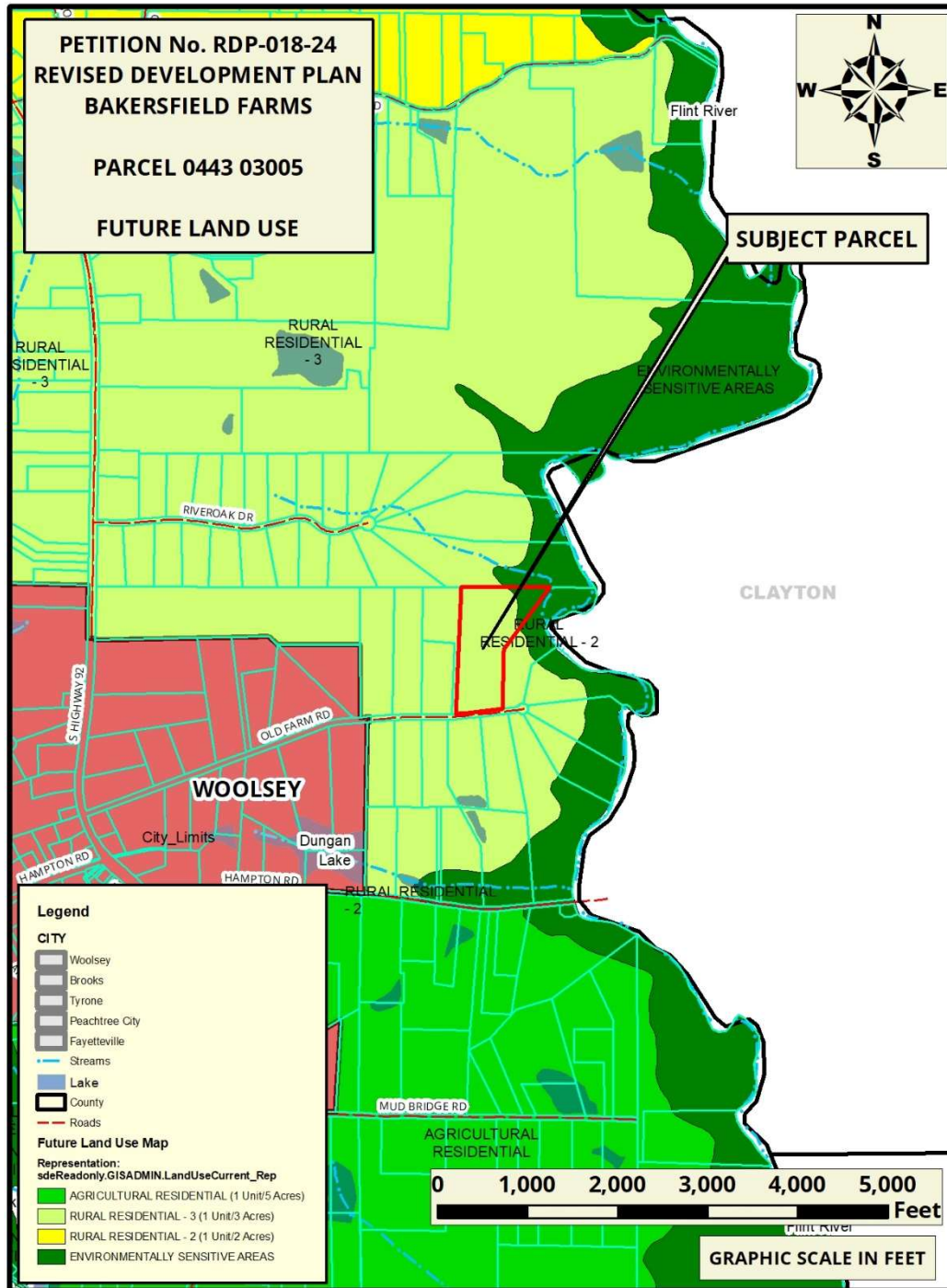
Sec. 110-125. A-R, Agricultural-Residential District.

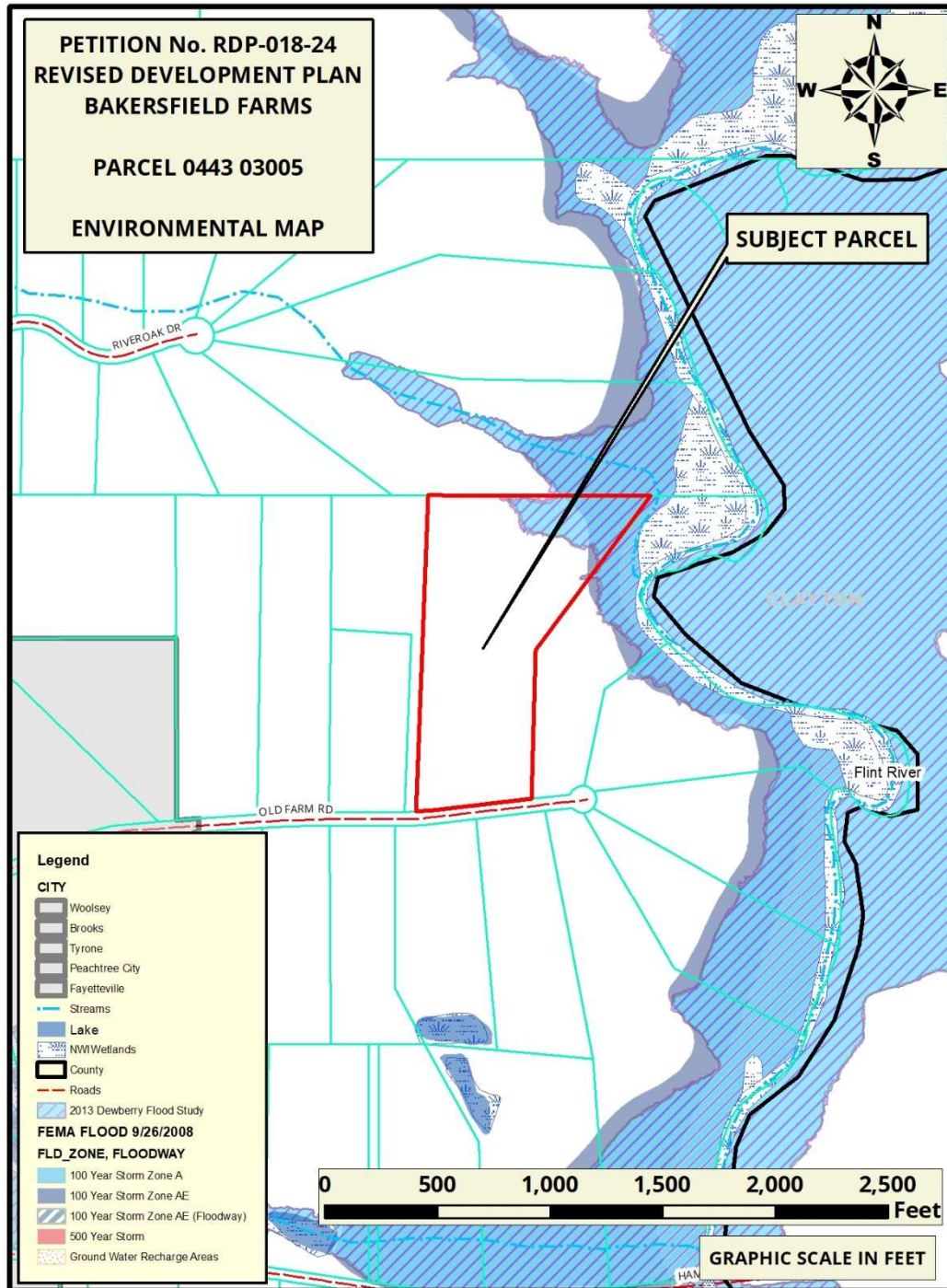
- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
 - (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter);
 - (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
 - (4) Plant nurseries and greenhouses (no sales of related garden supplies);
 - (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
 - (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
 - (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
 - (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
 - (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

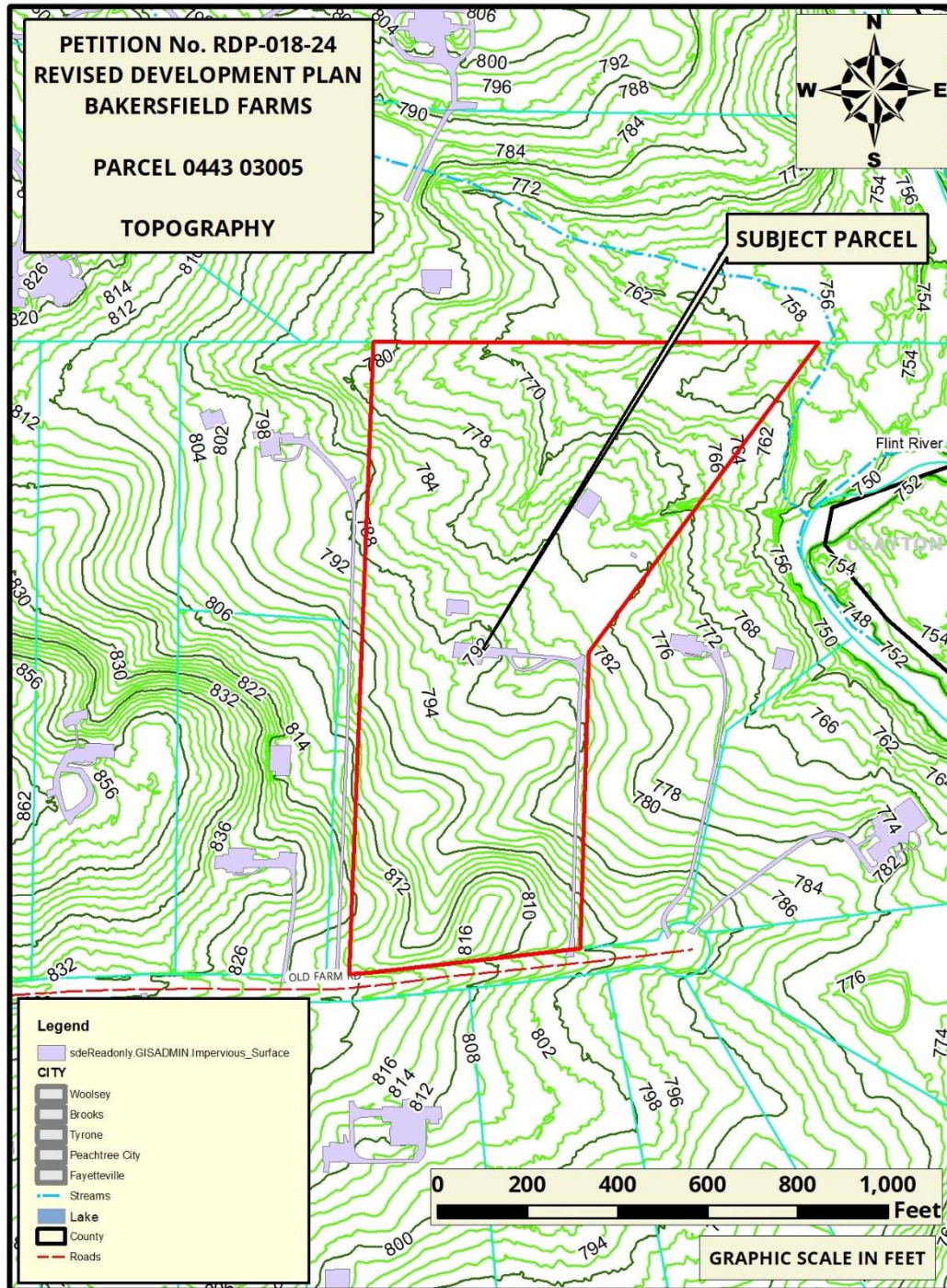




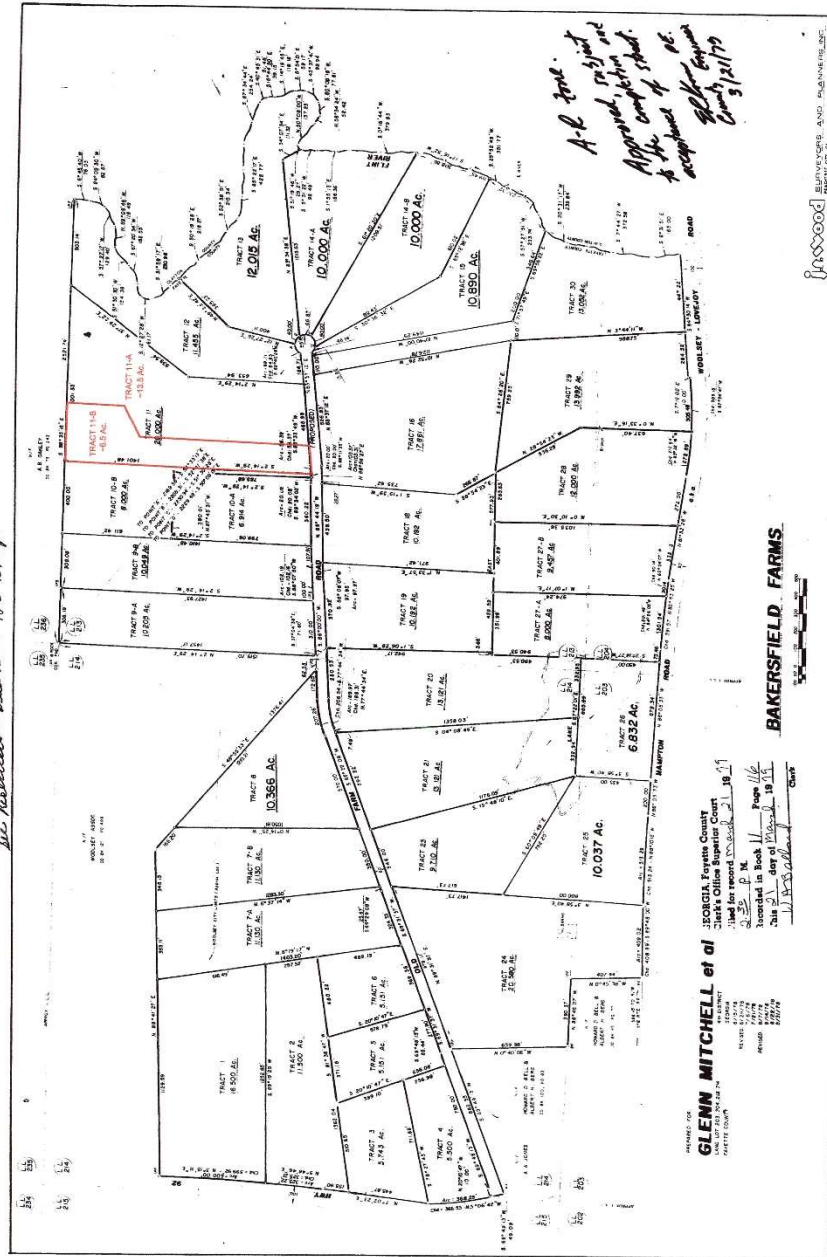




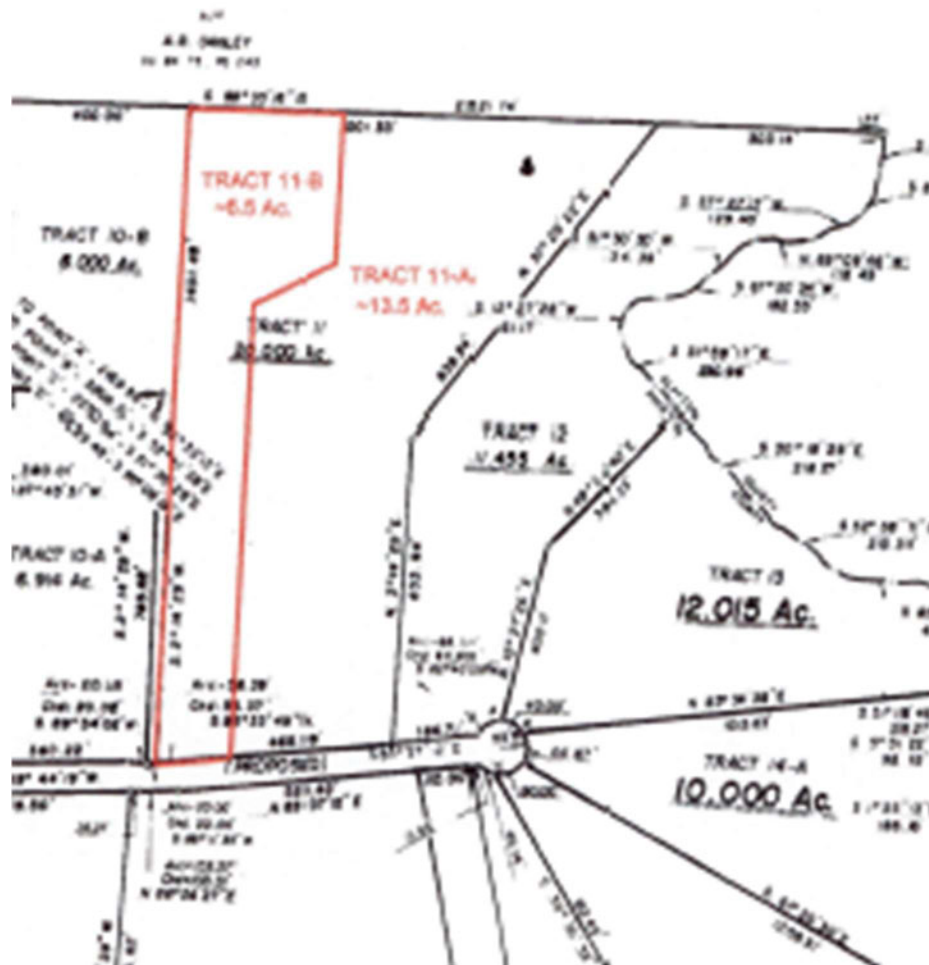




See Restrictions and Subd. 183-11 Page 357



357



REVISED DEVELOPMENT PLAN APPLICATION

1. NAME OF DEVELOPMENT PLAN: Bakersfield Farms
2. APPLICANT'S NAME: Andrew and Catherine Mask
 Ms. Mr. Mrs. X Mr. & Mrs.
3. APPLICANT'S ADDRESS: 290 Old Farm Road
4. APPLICANT'S ADDRESS: Fayetteville, GA 30215
5. APPLICANT'S E-MAIL: cbmask3@gmail.com
6. APPLICANT'S PHONE: 770-235-2140
7. LAND LOT(S): 213
8. DISTRICT(S): 01
9. FRONTS ON: Old Farm Road
10. ZONING: A-R
11. PLANNING COMMISSION HEARING DATE: June 6, 2024
12. BOARD OF COMMISSIONERS HEARING DATE: June 27, 2024
13. AGENT'S NAME: William Zerkus & Sarah Mask
 Ms. Mr. Mrs. X Mr. & Mrs.
14. AGENT'S ADDRESS: 3503 W 44th Avenue
15. AGENT'S ADDRESS: Denver, CO 80211
16. AGENT'S E-MAIL: wzerkus@gmail.com, scmask@gmail.com
17. AGENT'S PHONE: 719-640-5542, 678-471-0969

18. EXPLANATION OF REVISION: _____

We wish to subdivide the 20.000-acre Tract 11 of Bakersfield Farms into two (2) parcels. See attached exhibit with approximate subdivision boundary. The existing residence at 290 Old Farm Road will remain. The newly subdivided tract will meet all current County zoning requirements, including building setbacks, minimum lot size, minimum house size, lot width at building line, and minimum road frontage.

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge.

3-18-24, 2024

3-18, 2024

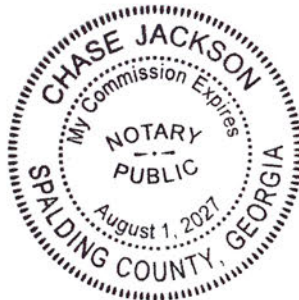
Anderson W. Mask

Catherine Mask

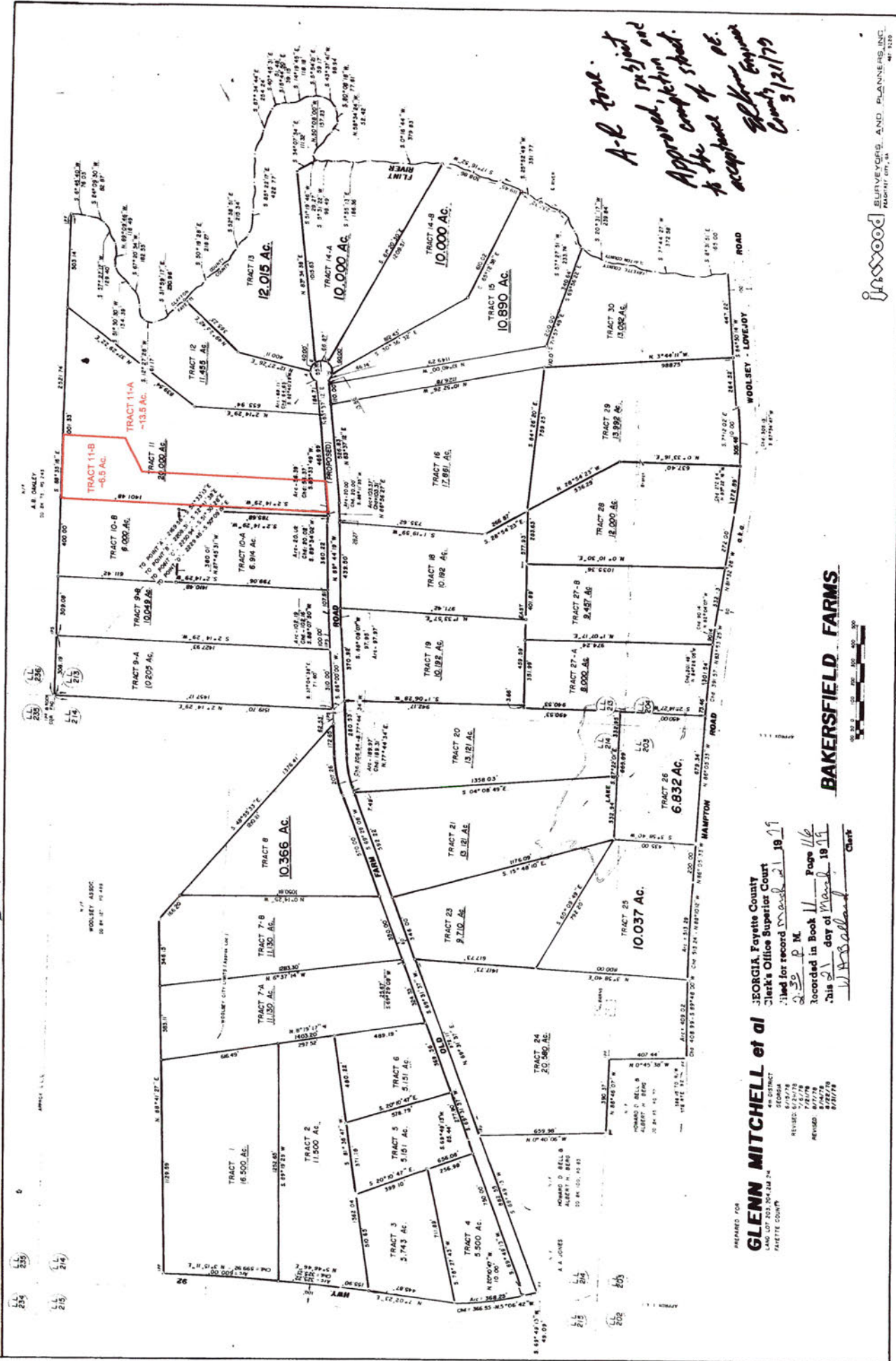
APPLICANT'S SIGNATURE

Chase Jackson

NOTARY PUBLIC



See Restrictions Deed Book 183-18 Page 357



A-R took.
Approved subject and
Approved subject
to the end of sheet.
Accepted of PE.
3/12/73

Prepared for
GLENN MITCHELL et al
J. GEORGIA, Fayette County
Clerk's Office Superior Court
Filed for record Book 219
258 P. M.
Recorded in Book 11 Page 46
This day of March 1973
W. B. Ballard
Clerk

BAKERSFIELD FARMS

Inwood SURVEYORS AND PLANNERS INC.
PLANNING CITY, GA.
401-3120

NOTICE OF PUBLIC HEARING
FOR THE CONSIDERATION OF
THE REVISED DEVELOPMENT
PLAN FOR BAKERSFIELD
FARMS SUBDIVISION

PUBLIC HEARING to be held before the Fayette County Planning Commission on June 6, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on June 27, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

1. Petition No.: RDP-018-24

Applicant: Andrew W. Mask and Catherine B. Mask

Agent(s): William Zerkus and Sarah Mask

Zoning District: A-R

Area of Property: 20.00 acres

Land Lot(s)/District: Land Lot 213 of the 4th District

Fronts on: Old Farm Road

Proposed: Request approval of the Revised Development Plan for Bakersfield Farms Subdivision to subdivide parcel #0443 03005 (20.000 acres) into two (2) parcels. A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

Legal Description:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 213 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING TRACT 11, BAKERSFIELD FARMS, (20 ACRES), AS PER PLAT RECORDED IN PLAT BOOK 11, PAGE 116, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

Tax Parcel No.: 0443 03005

This 22nd day of May 2024.

Deborah L. Bell, RLA

Planning & Zoning Director

05/22

TO: PLANNING COMMISSION MEMBERS

FROM: DEBBIE BELL, PLANNING & ZONING DIRECTOR

DATE: MAY 22, 2024

SUBJECT: ORDINANCE 110-169 mm PROPOSED REVISIONS

Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office are allowed as a conditional use in A-R Zoning. A-R Zoning also allows athletic facilities associated with private schools as a conditional use. Athletic facilities associated with private schools are allowed to have lights until 10:00 p.m. Currently, there is not a provision for lighting of athletic fields associated with recreation centers. This revision is to create continuity in the ordinance.

Sec. 110-169. - Conditional use approval.

mm. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.
8. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.

FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT

140 STONEWALL AVENUE WEST

FAYETTEVILLE, GEORGIA 30214

(770) 305-5421

TO: Fayette County News

FROM: Debbie Bell. Fayette County Planning and Zoning

DATE: May 16, 2024

SUBJECT: Amendment to the Fayette County Zoning Ordinance

Fayette County Planning and Zoning Dept.
140 Stonewall Avenue West
Suite 202
Fayetteville, GA 30214

Ad to run: 05/22/2024

Legal Notice Number:

**NOTICE OF PUBLIC HEARING FOR THE AMENDMENT OF THE FAYETTE
COUNTY CODE OF ORDINANCES, CHAPTER 110. ZONING ORDINANCE**

PUBLIC HEARING to be held before the Fayette County Planning Commission on **June 6, 2024**, at **7:00 P.M.**, and before the Fayette County Board of Commissioners on **June 27, 2024**, at **5:00 P.M.**, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

**CONSIDERATION OF AMENDMENTS TO CHAPTER 110. ZONING
ORDINANCE, REGARDING SEC. 110-169. - CONDITIONAL USE APPROVAL.**

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 22nd day of May 2024.

Deborah L. Bell, RLA
Planning & Zoning Director

Ad to run: 05/22/2024