

## BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman  
Edward Gibbons, Vice Chairman  
Eric K. Maxwell  
Charles W. Oddo  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

September 23, 2021

5:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Charles W. Oddo

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

1. Recognition of Fayette County 4-H'ers, Bryce Smith, Lesley Nichols, Jovie Ruf, Kareem El-Gayyar and Salih El-Gayyar for participating in the Northwest District Forestry Field Day Competition held on August 31<sup>st</sup> at Camp Westminster. (page 3)

### **PUBLIC HEARING:**

2. Consideration of Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District and fronts on Callaway Road. (pages 4-51)
3. Consideration of Petition No. 1312-21 B, Thomas B. Chandler, Owner, and Daniel Fields, Agent, request to rezone 25.65 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District. (page 52)
4. Consideration of Ordinance 2021-13, amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations. (pages 53-100)

### **PUBLIC COMMENT:**

*Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.*

### **CONSENT AGENDA:**

5. Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 223 Cedar Trail Culvert Replacement Project (19SBI). (pages 101-105)
6. Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 120 Shoal Creek Road culvert replacement project (19SBN). (pages 106-110)

7. Approval of Amendment # 3 to Contract #1813-S:Sages Networks, Inc. for cloud based plan review, permitting and mobile inspections and two read-only licenses for the Water System for a one-time charge of \$44,000 and on-going annual cost of \$30,068 for a total \$74,068.00 amendment cost for fiscal year 2022. (pages 111-114)
8. Approval of the September 9, 2021 Board of Commissioners Meeting Minutes. (pages 115-117)

**OLD BUSINESS:**

**NEW BUSINESS:**

9. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Tannisha Cohen-Green for tax year 2018 and 2019 in the aggregated amount of \$158.78. (pages 118-120)
10. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Charles Lindsay for tax year 2018, 2019 and 2020 in the aggregated amount of \$237.15. (pages 121-123)
11. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Joe Moore for tax year 2018, 2019 and 2020 in the aggregated amount of \$1,359.13. (pages 124-126)
12. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Eddy Tan for tax year 2018, 2019 and 2020 in the aggregated amount of \$3,463.08. (pages 127-129)

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

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Department: Extension Office/4-H

Presenter(s): Candace Goldbeck, 4-H Agent

Meeting Date: Thursday, September 23, 2021

Type of Request: Proclamation/Recognition #1

## Wording for the Agenda:

Recognition of Fayette County 4-H'ers, Bryce Smith, Lesley Nichols, Jovie Ruf, Kareem El-Gayyar and Salih El-Gayyar for participating in the Northwest District Forestry Field Day Competition held on August 31st at Camp Westminster.

## Background/History/Details:

Since the beginning of August, these 4-H'ers (Kareem El-Gayyar, Salih El-Gayyar, Lesley Nichols, Jovie Ruf, and Bryce Smith) have participated in weekly practices where they learned how to identify the following: native tree species, as well as, insects and diseases that affect those trees. They also learned how to measure tree diameter and merchantable height, how to use a compass and how to measure distance utilizing their pace. These new skills were then put to the test at a competition on August 31st competing against other 4-H'ers from surrounding counties. The Fayette County 4-H Forestry Judging Team was coached by 4-H Agent Candace Goldbeck.

Bryce Smith, a Junior 4-H'er, received the highest individual score. Bryce, along with his teammates Lesley Nichols and Jovie Ruf, placed 2nd out of all the Junior 4-H teams. Senior 4-H'er, Kareem El-Gayyar, received the second highest individual score.

## What action are you seeking from the Board of Commissioners?

Recognition of Fayette County 4-H'ers, Bryce Smith, Lesley Nichols, Jovie Ruf, Kareem El-Gayyar and Salih El-Gayyar on participating in the Northwest District Forestry Field Day Competition held on August 31st at Camp Westminster.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

# COUNTY AGENDA REQUEST

Page 4 of 129

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnut (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District and fronts on Callaway Road.

## Background/History/Details:

Staff recommends approval of the request with five (5) conditions.

The Planning Commission recommended approval of the request with five (5) conditions.

Arnold Martin made a motion to recommend approval of petition 1312-21 A with conditions. John Culbreth seconded the motion. The motion passed 4-0-1. Brian Haren recused himself from this petition.

## What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnut (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District and fronts on Callaway Road with five (5) conditions.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**1312-21 A & B**  
**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved R-40 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That all existing structures be removed from the subject property prior to approval of the Final Plat, or, if any structures are to remain, they must be shown to be compliant on the Preliminary Plat and Final Plat.
2. That no lot shall have direct driveway access onto Callaway Road. This shall be graphically shown on the approved final plat. (This condition will be administered by Public Works/Environmental Management.)
3. Require a 20 foot permanent easement be dedicated to Fayette County for the future construction of a multi-use path. The easement would be shown across all lots along the north property line. Beginning at the East property line on the Callaway Road right of way to the West property line at parcel 0525 070. The easement shall be within the Georgia Power 100 foot easement and the owner/developer shall submit a deed and final plat depicting the multi-use path easement at the time of final plat. (This condition will be administered by Public Works/Environmental Management.)
4. That the Owner/Developer shall dedicate from the centerline of Callaway Road, at no cost to the County, 40 feet of Right of Way along all frontages. The requirement shall be shown on the Preliminary Plat, Land Disturbance Plans, and Final Plat. A filed warranty deed shall be provided by the Owner/Developer per Fayette County Ordinances after recording of the Final Plat. The owners shall remove any structures and woody vegetation within the said right of way limits at no cost to Fayette County prior to dedication. (This condition will be administered by Public Works/Environmental Management.)
5. That the Owner/Developer shall provide a CBU unit pull off parallel to the proposed county road a minimum of 400ft from the entrance anywhere within the development and if available in front of proposed green space. The said pull off should allow for two cars to pull out of the traffic lanes of the proposed roadway. (This condition will be administered by Public Works/Environmental Management.)

**PLANNING COMMISSION RECOMMENDATION****DATE:** September 2, 2021**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1312-21 A, the application of WGS, LLC (Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea) to rezone 56.26 acres from A-R to R-40, be:

4-0-1

☒ Approved      ☐ Withdrawn      ☐ Denied

☐ Tabled until \_\_\_\_\_

This is forwarded to you for final action.

  
DANNY ENGLAND, CHAIRMAN

  
ARNOLD L. MARTIN, VICE-CHAIRMAN

  
BRIAN HAREN

  
JOHN H. CULBRETH, SR

  
JOHN OLIVER

**Remarks:**

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\_\_\_\_\_

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1312-21 A**

**WHEREAS**, WGS, LLC (Wendell E. & Morris W. Shelnett (Estate), and Martha Eleanor Albea), Owners, and Daniel Fields, Agent, having come before the Fayette County Planning Commission on September 2, 2021, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 56.26 acres from A-R to R-40, in the area of Callaway Road, located in Land Lot 120 of the 5th District, for the purpose of developing a Residential Subdivision; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**JOHN H. CULBRETH, SR, CHAIRMAN**

  
**TANNY ENGLAND**

  
\_\_\_\_\_  
**HOWARD L. JOHNSON  
PLANNING COMMISSION SECRETARY**

**PLANNING COMMISSION RECOMMENDATION****DATE:** September 2, 2021**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1312-21 B, the application of Thomas B. Chandler to rezone 25.65 from A-R to R-40, be:

4-0-1

☒ Approved      ☐ Withdrawn      ☐ Denied

☐ Tabled until \_\_\_\_\_

This is forwarded to you for final action.

  
\_\_\_\_\_  
DANNY ENGLAND, CHAIRMAN

  
\_\_\_\_\_  
ARNOLD L. MARTIN, VICE-CHAIRMAN

  
\_\_\_\_\_  
BRIAN HAREN

  
\_\_\_\_\_  
JOHN H. CULBRETH, SR.

  
\_\_\_\_\_  
JIM OLIVER

**Remarks:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION  
NO. 1312-21 B**

**WHEREAS**, Thomas B Chandler, Owners, and Daniel Fields, Agent, having come before the Fayette County Planning Commission on September 2, 2021, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 25.65 from A-R to R-40, in the area of Callaway Road, located in Land Lot 120 of the 5th District, for the purpose of developing a Residential Subdivision; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**DANNY ENGLAND, CHAIRMAN**

  
\_\_\_\_\_  
**HOWARD L. JOHNSON  
PLANNING COMMISSION SECRETARY**

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 2, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Danny England, Chairman  
Arnold Martin, Vice-Chairman  
John H. Culbreth  
Brian Haren  
Jim Oliver

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Plan & Zoning Coordinator  
Phil Mallon, County Engineer  
Bryan Keller, Director of Environmental Management

### **PUBLIC HEARING**

- 1. Consideration of Petition No. 1312-21 A, WGS, LLC (Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea, Owner, and Daniel Fields, Agent, request to rezone 56.26 acres from A-R to R-40 to develop a residential subdivision. This property is located Land Lot 120 of the 5th District and fronts on Callaway Road.**

Brian Haren said he was recusing himself from the rezoning petitions and left the chambers.

Daniel Fields said we are requesting the rezoning of the two tracts from A-R to R-40. He side the area is shown as Low Density Residential on the Land Use Plan and R-40 is a one acre zoning and consistent with Land Use Plan. He added that they agree to the staff recommended conditions. He said there are 42 lots proposed on the 81 acres. Daniel Fields presented pictures of the proposed houses on the display screen.

Chairman England asked if there was anyone that is in favor of the petitions. Hearing none he asked if there was anyone in opposition of the petitions.

Merle Crowe said they live at 247 Callaway Road and they have current problem with the storm water flow from this property and this development will make it worse. She stated that they would like to see a berm to stop the water from flowing on their property.

Larry Crowe said it looks there will be six or seven house bordering our property. He added that they have been living there for 34 years and have always had a problem with the water.

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Kimberly Kee said she lives at 100 Brookclear Lane and asked if there will be a turning lane put in on Callaway Road. She added that Callaway Road is a cut through road from SR 54 to South Jeff Davis Road and they are putting 42 houses in the subdivision and each house will have to cars so that's an additional 84 cars on Callaway Road per day. She asked if they are looking at putting a stop light at SR 54 and Callaway Road, what will be the square footage of the houses and when the subdivision will be built.

Roger Wallace said he lives at 266 Callaway Road and the water in the creek currently gets out of its banks and gets close to his house and this development will present a big problem around our neighborhood.

Arnold Martin asked if your property is in a floodplain.

Rodger Wallace said it wasn't considered floodplain. He added that sometimes water runs over Callaway Road.

Bryan Keller said there is an upcoming SPLOST project to upgrade the culvert under Callaway Road which will help.

Arnold Martin asked when the culvert project is scheduled.

Bryan Keller said it would be a year or year and a half before construction would begin.

Maria Wells said she lives at 120 Kalispell Drive and is concerned about the storm water running into her property. She added that in January and February when there was a lot of rain they had to have their septic tank pumped five times to remove the water. She stated that she is concerned with the increased traffic from the subdivision because it is hard to see traffic on Callaway Road because of the curves and trees along the road and what can be done to make it safer. She said this subdivision will increase traffic at the intersection of SR 54 and Callaway Road and it backs up now in the mornings. She asked if the lots would use septic systems or be put on sewer.

Chairman England asked if there was anyone else that would like to speak in opposition to the petitions. Hearing none he asked the applicant if he would like to address any of the comments.

Daniel Fields said in terms of storm water we would develop the subdivision according to county regulations and we could look at some of the areas mentioned tonight to address drainage issues. He added regarding traffic they would follow county regulations on the road coming into Callaway Road. He stated construction of the subdivision could start in a year. He said houses would be about 3,000 square feet in size and the subdivision will be on septic systems.

Jim Oliver said several people talked about a berm to help with runoff but I think the term would be a swale and not a berm. He asked if the county would normally put a

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**PC Meeting**

drainage easement say along the northern property line under the power easement.

Bryan Keeler said normally without a storm water structure or swale in place we would not require a drainage easement.

Jim Oliver said perhaps a swale along these property lines with a drainage easement would be a good solution.

Daniel Fields said they would work with the county on these runoff issues.

Jim Oliver asked the applicant if they were in agreement with the recommended conditions.

Daniel Fields said they were in agreement with the conditions.

Pete Frisina read the conditions as follows:

1. That all existing structures be removed from the subject property prior to approval of the Final Plat, or, if any structures are to remain, they must be shown to be compliant on the Preliminary Plat and Final Plat.
2. That no lot shall have direct driveway access onto Callaway Road. This shall be graphically shown on the approved final plat. (This condition will be administered by Public Works/Environmental Management.)
3. Require a 20 foot permanent easement be dedicated to Fayette County for the future construction of a multi-use path. The easement would be shown across all lots along the north property line. Beginning at the East property line on the Callaway Road right of way to the West property line at parcel 0525 070. The easement shall be within the Georgia Power 100 foot easement and the owner/developer shall submit a deed and final plat depicting the multi-use path easement at the time of final plat. (This condition will be administered by Public Works/Environmental Management.)
4. That the Owner/Developer shall dedicate from the centerline of Callaway Road, at no cost to the County, 40 feet of Right of Way along all frontages. The requirement shall be shown on the Preliminary Plat, Land Disturbance Plans, and Final Plat. A filed warranty deed shall be provided by the Owner/Developer per Fayette County Ordinances after recording of the Final Plat. The owners shall remove any structures and woody vegetation within the said right of way limits at no cost to Fayette County prior to dedication. (This condition will be administered by Public Works/Environmental Management.)
5. That the Owner/Developer shall provide a CBU unit pull off parallel to the proposed county road a minimum of 400ft from the entrance anywhere within the



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**PC Meeting**

development and if available in front of proposed green space. The said pull off should allow for two cars to pull out of the traffic lanes of the proposed roadway. (This condition will be administered by Public Works/Environmental Management.)

Arnold Martin made a motion to recommend approval of petition 1312-21 A with conditions. John Culbreth seconded the motion. The motion passed 4-0-1. Brian Haren recused himself from this petition.

**2. Consideration of Petition No. 1312-21 B, Thomas B. Chandler, Owner, and Daniel Fields, Agent, request to rezone 25.65 acres from A-R to R-40 to develop a residential subdivision. This property is located Land Lot 120 of the 5th District.**

Arnold Martin made a motion to recommend approval of petition 1312-21 B with conditions. Jim Oliver seconded the motion. The motion passed 4-0-1. Brian Haren recused himself from this petition.

**PETITION NO: 1312-21 A & B**

**REQUESTED ACTION:** A-R to R-40

**PROPOSED USE:** Residential

**EXISTING USE:** Residential

**LOCATION:** Callaway Road

**DISTRICT/LAND LOT(S):** 5th District, Land Lot 120

**OWNER:** WGS, LLC (Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea and Thomas B. Chandler

**AGENT:** Daniel Fields

**PLANNING COMMISSION PUBLIC HEARING:** September 2, 2021

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 23, 2021

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**APPLICANT'S INTENT**

Applicant proposes to develop a Residential Subdivision consisting of 42 lots on 81.91 acres.

**STAFF RECOMMENDATION**

**APPROVAL WITH FIVE (5) CONDITIONS**

## **INVESTIGATION**

### **A. PROPERTY SITE**

The subject property is an 81.91 acre tract fronting on Callaway Road in Land Lot 120 of the 5th District. The subject property consists of two tracts, a 56.26 acre tract (Parcel A) and a 25.65 acre tract (Parcel B). Callaway Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains two single-family residences and various accessory structures.

### **B. SURROUNDING ZONING AND USES**

The general situation is an 81.91 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-40 and A-R. See the following table and also the attached Zoning Location Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	9.59	A-R	Undeveloped	Low Density Residential (1 Unit/1 Acre)
	8.13	A-R	Cemetery	
	5.01	A-R	Cemetery	
	18.00	A-R	Cemetery	
	1.02	R-40	Single-family Residential	
	1.00	R-40	Single-family Residential	
	1.02	R-40	Single-family Residential	
	1.11	R-40	Single-family Residential	
South	1.40	A-R	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
	10.00	A-R	Undeveloped	
City of Fayetteville	11 lots .25 acres	R-30 PUD	Single-family Residential	Low Density Single Family (Fayetteville)
East	1.00	A-R	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
	4.40	A-R	Single-family Residential	
	1.20	A-R	Single-family Residential	
East (across Callaway Road)	2.00	A-R	Single-family Residential	
	1.50	R-40	Single-family Residential	
	1.00	R-40	Single-family Residential	

Direction	Acreage	Zoning	Use	Comprehensive Plan
West	3.90 4.60	A-R A-R	Greenhouses Single-family Residential	Low Density Residential (1 Unit/1 Acre)
City of Fayetteville	7 lots +/- .25 acres	R-30	Single-family Residential	Medium Density Single Family (Fayetteville)

### C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acre) and Environmentally Sensitive Areas (floodplain). This request conforms to the Fayette County Comprehensive Plan.

### D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone 81.91 acres from A-R to R-40 for the purpose of developing a Residential Subdivision consisting of 42 lots. The dimensional requirements of the R-40 zoning district are as follows:

Minimum Lot Size	Zoning Setbacks	Minimum House Size	Lot Width at Building Line
1 Acre* 1.5 Acres**	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30'	1,500 sq ft	150' - Arterial 150' - Collector 125' - Minor

\* Where a central water distribution system and a private septic system are provided. (County water/septic).

\*\* Where public water system is not available (Well/septic)

### Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

### Access

The Concept Plan submitted indicates one (1) access from Callaway Road.

## **E. REVIEW OF CONCEPT PLAN**

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

The Concept Plan indicates all existing structures are to be removed. Staff will recommend a condition that all existing structures be removed prior to the approval of the Final Plat, or, if any structures are to remain, they must be shown to be compliant on the Preliminary Plat and Final Plat

During the rezoning review it was discovered that a nonconforming accessory structure located on an adjacent property to the west extends 7.7 feet into the 56.26 acre tract (Parcel A). The petitioner is excluding approximately .14 acres from the rezoning which contains the accessory structure. The .14 acres will not be included in the proposed subdivision. The petitioner intends to deed the .14 acres to the adjacent property owner.

## **F. DEPARTMENTAL COMMENTS**

### **Water System**

FCWS has reviewed the rezoning application. There is water availability at this location. A 10" PVC C900 main exists along Callaway Rd opposite of the proposed development.

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

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

1. That no lot shall have direct driveway access onto Callaway Road. This shall be graphically shown on the approved final plat. *(This condition will be administered by Public Works/Environmental Management.)*
2. Require a 20 foot permanent easement be dedicated to Fayette County for the future construction of a multi-use path. The easement would be shown across all lots along the north property line. Beginning at the East property line on the Callaway Road right of way to the West property line at parcel 0525 070. The easement shall be within the Georgia Power 100 foot easement and the owner/developer shall submit a deed and final plat depicting the multi-use path easement at the time of final plat. *(This condition will be administered by Public Works/Environmental Management.)*

3. That the Owner/Developer shall dedicate from the centerline of Callaway Road, at no cost to the County, 40 feet of Right of Way along all frontages. The requirement shall be shown on the Preliminary Plat, Land Disturbance Plans, and Final Plat. A filed warranty deed shall be provided by the Owner/Developer per Fayette County Ordinances after recording of the Final Plat. The owners shall remove any structures and woody vegetation within the said right of way limits at no cost to Fayette County prior to dedication. *(This condition will be administered by Public Works/Environmental Management.)*
4. That the Owner/Developer shall provide a CBU unit pull off parallel to the proposed county road a minimum of 400ft from the entrance anywhere within the development and if available in front of proposed green space. The said pull off should allow for two cars to pull out of the traffic lanes of the proposed roadway. *(This condition will be administered by Public Works/Environmental Management.)*

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

Callaway Road is a **collector**. For Final Plat approval Fayette County will require a ROW dedication along the Bernhard Road frontage to provide **40 feet of ROW** as measured from the existing road centerline.

### **Traffic Data**

The project with **42 lots** would add **394 trips** per day to Callaway Road.

### **Site Distance**

Site distance has been shown and certified to meet the distance required by Fayette County EMD.

### **Floodplain Management**

The property **DOES** contain floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008. The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.

### **Wetlands**

The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

### **Watershed Protection**

There **ARE** state waters located 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 developed with more than 5,000 square feet of impervious surfaces.

### **Tree Protection**

This development **WILL BE** subject to the Tree Protection ordinance if re-zoned and developed.

### **Environmental Health Department**

This Dept. has no objections to proposed rezoning. Note septic tank serving 199 Callaway RD will need to be abandoned and recorded by this Dept. along with the submission of documentation of well abandonment prior to signing off on future preliminary plat. This Dept. will also need to complete a subdivision analysis review prior to signing off on future final plat and construction plans.

### **Fire**

No comments

### **Fayetteville**

We do not have an issue with the rezoning as proposed. The property abuts the Highlands subdivision to the south and the Oakbrook subdivision to the west, both of which are zoned R-30 Single-family Residential. The Highlands subdivision is designated as Low Density Single Family and the Oakbrook subdivision is designated as Medium Density Single Family on the Future Land Use Map. (David Rast, Director of Community Development)

### **STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from A-R to R-40 for the purpose of developing Residential. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acre) and Environmentally Sensitive Areas (floodplain). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH FIVE (5) CONDITIONS**.

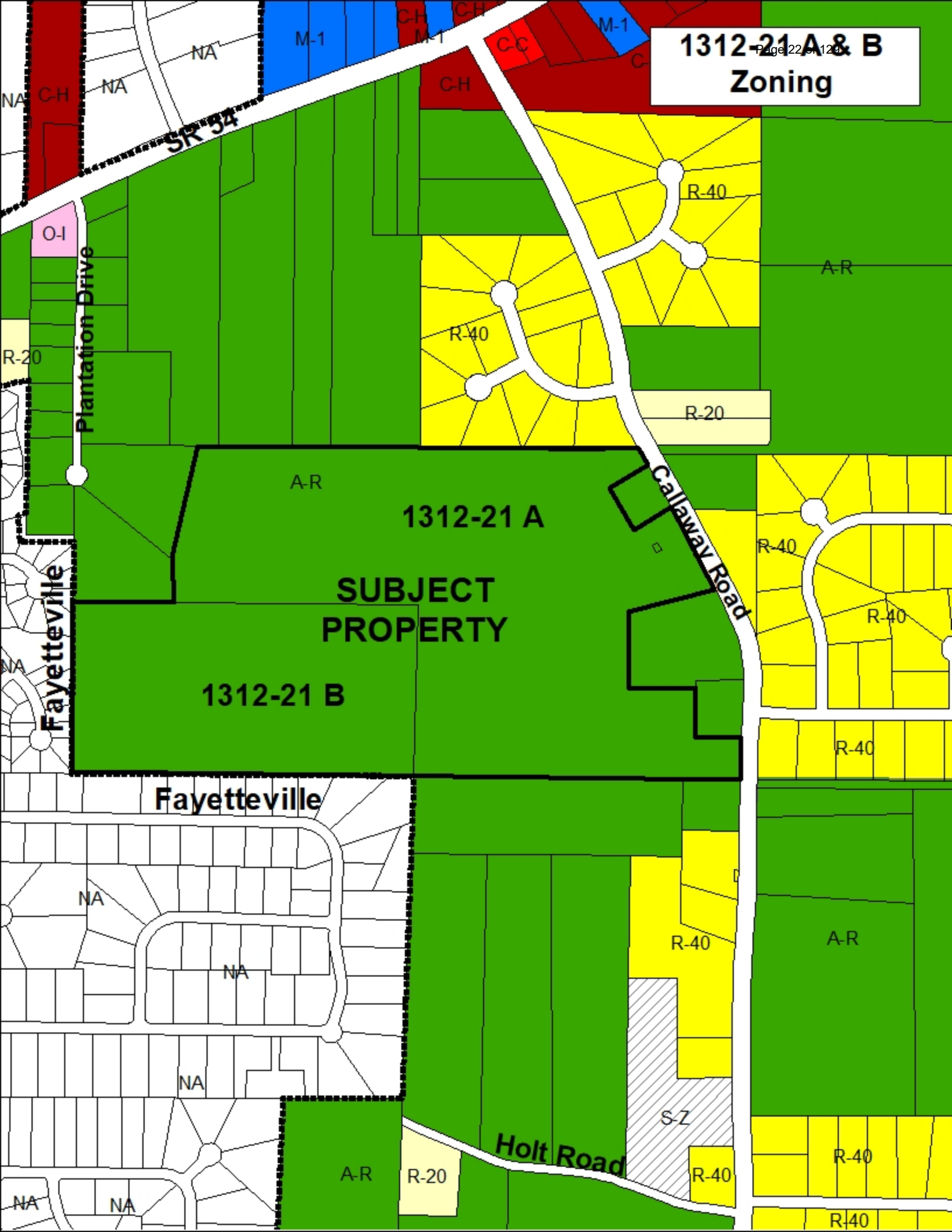


### **RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved R-40 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That all existing structures be removed from the subject property prior to approval of the Final Plat, or, if any structures are to remain, they must be shown to be compliant on the Preliminary Plat and Final Plat.
2. That no lot shall have direct driveway access onto Callaway Road. This shall be graphically shown on the approved final plat. (This condition will be administered by Public Works/Environmental Management.)
3. Require a 20 foot permanent easement be dedicated to Fayette County for the future construction of a multi-use path. The easement would be shown across all lots along the north property line. Beginning at the East property line on the Callaway Road right of way to the West property line at parcel 0525 070. The easement shall be within the Georgia Power 100 foot easement and the owner/developer shall submit a deed and final plat depicting the multi-use path easement at the time of final plat. (This condition will be administered by Public Works/Environmental Management.)
4. That the Owner/Developer shall dedicate from the centerline of Callaway Road, at no cost to the County, 40 feet of Right of Way along all frontages. The requirement shall be shown on the Preliminary Plat, Land Disturbance Plans, and Final Plat. A filed warranty deed shall be provided by the Owner/Developer per Fayette County Ordinances after recording of the Final Plat. The owners shall remove any structures and woody vegetation within the said right of way limits at no cost to Fayette County prior to dedication. (This condition will be administered by Public Works/Environmental Management.)
5. That the Owner/Developer shall provide a CBU unit pull off parallel to the proposed county road a minimum of 400ft from the entrance anywhere within the development and if available in front of proposed green space. The said pull off should allow for two cars to pull out of the traffic lanes of the proposed roadway. (This condition will be administered by Public Works/Environmental Management.)

1312-21 A & B  
Zoning



COMMERCIAL

1312-21 A & B  
Land Use Plan

SR 54

Plantation Drive

PUBLIC  
FACILITIES/INSTITUTION

LOW DENSITY  
RESIDENTIAL

1312-21 A

SUBJECT  
PROPERTY

Callaway Road

Fayetteville

1312-21 B  
LOW DENSITY  
RESIDENTIAL

Fayetteville

LOW DENSITY  
RESIDENTIAL

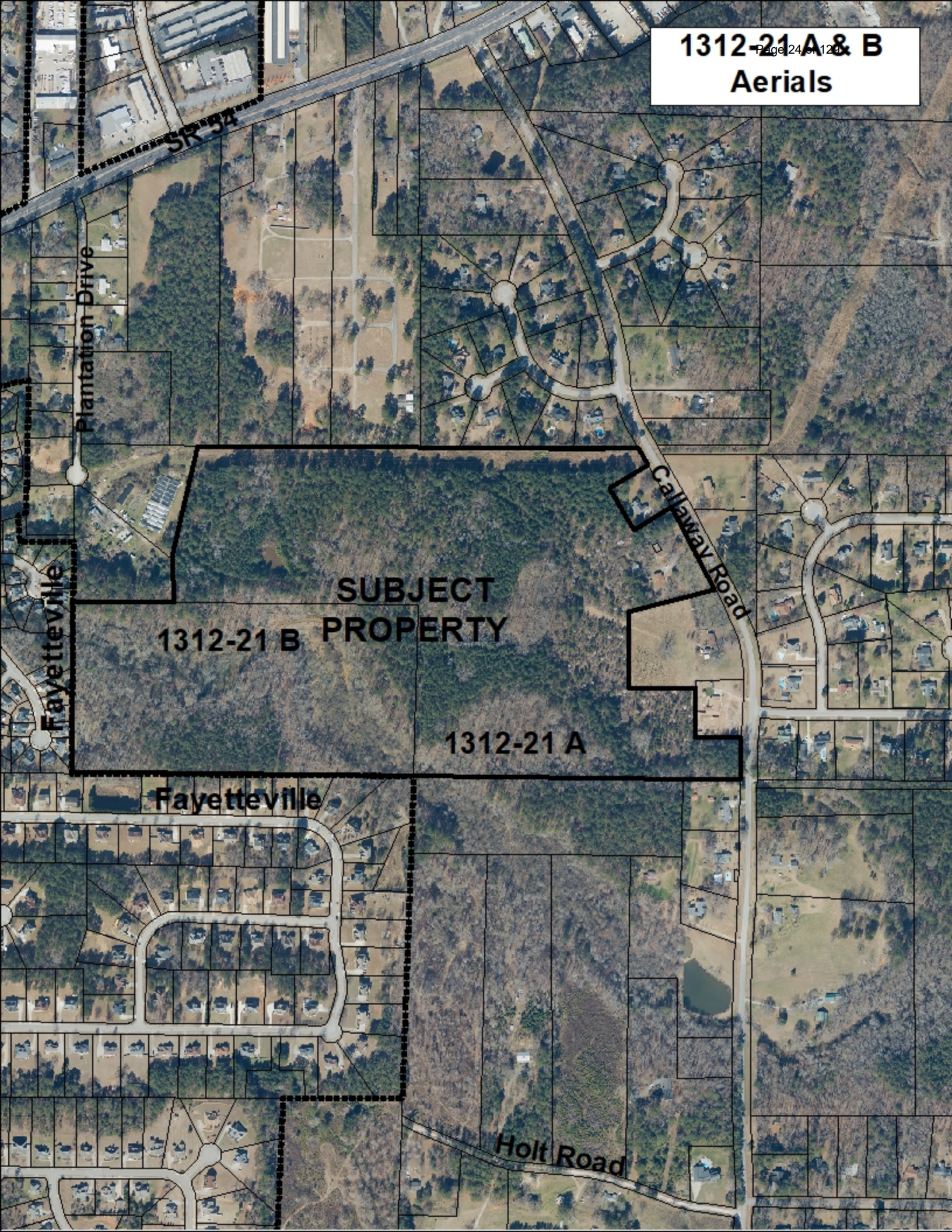
ENVIRONMENTALLY  
SENSITIVE AREAS

LOW DENSITY  
RESIDENTIAL

Holt Road

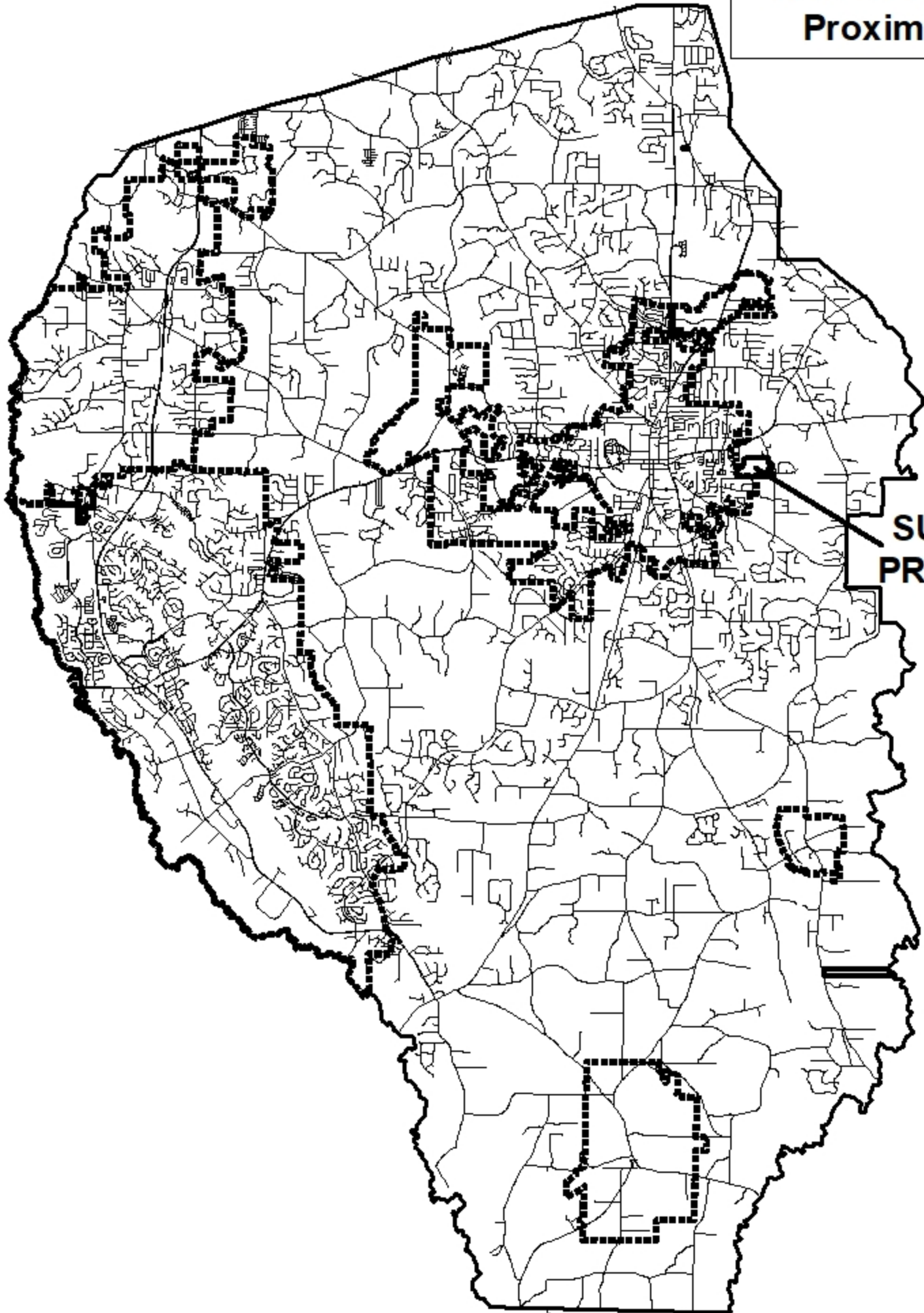


1312-21 A & B  
Aerials





1312-21A & B  
Proximity



**SUBJECT  
PROPERTY**

## ***Water Flooding 247 Callaway Road***

### ***Issue #1: Roadbed is higher than our yard***

- Water flows in, forms a lake in the front yard, then flows to the left and right.



- Looking toward the left from front of house:
- Water flows left here





- Looking to right from front of house, water flowing to right:



Further to  
the right:



- Front ditch is full, overflows at water meter





## ***Issue #2***

- In addition to water overflow from the road, water flows from property to the right, where subdivision is proposed





Back yard when gush of water from diversion ditch overflows and floods front and back yard:



## **Conclusion:**

### **Issue 1**

- Water from Callaway Road, which is higher than our yard, flows into yard

- This has been a problem for a long time
  - Road department is aware and suggested digging front ditch out would help
- The road is higher than our yard and slopes steeply toward our yard as which exacerbates the problem
  - In fact, in the 34 years we have lived here, the steep slope of the road ditch has led to 3 cars running off the road, taking out our mailbox, and landing the car(s) in the ditch – requiring wreckers to pull them out, and totaling at least one of them. Police reports were filed each time for record keeping.

## **Issue 2**

- The proposed impervious ground cover for new roads in the subdivision, home driveways, etc. will leave less land there to absorb the water
- Slope of that land toward our yard already causes a lot of water runoff
  - Our diversion ditch catches some of it but the pictures show at least 3 streams of water going into the ditch in one area only
- Looking ahead, the situation can only get worse, due to the slope of the land in the proposed area of the subdivision

## **Conclusion:**

- The existing water flow/runoff is bad
  - From the road but road department is aware and we hope working on help
  - the neighboring land slope
- The new subdivision can only make matters worse; the situation is currently bad and will only cause more water runoff if not addressed prior to going forth

## ***Proposed Fix for the Most Pressing Issue:***

**We need the builder to install a BERM all along our property line – front and side - to divert the water**

**WGS, LLC**  
270 North Jeff Davis Drive  
Fayetteville, Georgia 30214

August 2, 2021

Board of Commissioners  
Fayette County  
140 Stonewall Ave. W., Suite 100  
Fayetteville, GA 30214

Re: Rezoning Request (Parcel ID #0525 011 & 0525 027)

Dear Board of Commissioners,

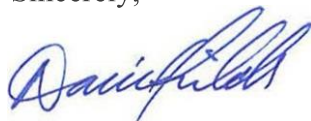
I hope this letter finds you well. WGS, LLC respectfully asks you to consider the rezoning of Parcels # 0525 011 and 0525 027 from A-R to R-40 for the purpose of building one acre single family lots in Fayette County. The tracts are approximately 56 and 25 acres, respectively. The tracts are in eastern Fayette County just outside the City of Fayetteville limits where they border various residential lot sizes ranging from .15 acre to .50 acre.

In support of this request, we have included the following:

Rezoning Application  
Narrative  
Conceptual Site Plan  
Boundary Survey

We appreciate the opportunity to have this request heard and look forward to working with you on this matter.

Sincerely,



Daniel Fields  
Manager

cc: Pete Frisina  
Chanelle Blaine

## **I. INTRODUCTION**

WGS, LLC ("Applicant"), the applicant, respectfully requests the rezoning of Parcels 0525 011 and 0525 027 on Callaway Road in order to develop a single family neighborhood, containing 42 one-acre lots on the combined acreage of these three parcels.

The subject properties are approximately a combined 81 acres of land ("Property"). All tracts are currently zoned A-R. In order to build the proposed single family neighborhood, the Applicant has submitted a rezoning application for Parcels 0525 011 and 0525 027 with Fayette County requesting R-40 zoning.

The Applicant requests this rezoning with the intent to build a high-quality, single family development consistent with the surrounding uses. The proposed neighborhood is suitable for its location on the Property, as the development will enhance the residential character of adjacent properties.

## **II. REZONING ANALYSIS**

As demonstrated below, the Applicant satisfies all standards for rezoning as described in the Fayette County Zoning Ordinance:

The current zoning is A-R. The future land use map shows the proposed future use of these properties as low density residential. The requested zoning classification is considered low density residential therefore the proposed zoning is in conformity with the future land use plan.

The surrounding land uses are all residential with various lot sizes. The surrounding properties that are in the City of Fayetteville vary from .15 to .50 acre per lot. The surrounding properties that are in the County vary in lot size as well with the property to the north being zoned R-40 and the property across Callaway Road also zoned as R-40. Both of these properties have lot sizes that are I-acre or larger. The other prevalent surrounding use is A-R. Given the fact that a significant number of the surrounding properties are zoned R-40, the requested rezoning would complement the surrounding uses and would not have an adverse effect on surrounding property owners.

Considering the surrounding uses, a residential use on this property would match the surrounding uses which would make this use appropriate and not overly burdensome on County infrastructure. Bonds would be put in place in accordance with County Ordinance requirements for internal streets.

The current zoning does not pose a risk to the public health, safety, morals, or general welfare of the public, but there is no gain to the public for this Property to continue to remain largely undeveloped. There continues to be strong demand for single family homes which would support strong property values in the County. Combined with the current demand for homes, a quality single family neighborhood would further support growth of property values and add to the tax base.

The requested rezoning will not decrease the value of surrounding properties. Rather, the development of a new residential single family neighborhood will have a positive impact and benefit upon surrounding properties and their values.

**Existing Structures:** It is the intent of the developer to remove all existing structure in the development of this project. To accommodate an encroachment of garage/shed and fence located on an adjacent lot, the developer will hold out the area where these structures are located from the rezoning. This area will be offered to the adjacent property owner.

### III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that Fayette County approve rezoning request as requested by the Applicant. If there are any questions about this application, you may contact me at (770) 461-0478 or dfields@brentholdings.com.

Sincerely,

Daniel Fields  
WGS, LLC



# Atkins Place

## Starting at \$500,000

4 Beds | 2 Car Garage | 3.5 Baths | 3,073 - 3,420 Square Feet



### The Perkins

5 Beds  
4 Baths  
2 Car Garage

2 Story  
3,073 Square Feet



### The Roosevelt II

*Master on the Main!!!*

4 Beds  
3.5 Baths  
2 Car Garage

2 Story  
3,162 Square Feet

**Starting at \$500,000**



### The Lauren

*Homeowner's Retreat on Main!!!*

5 Beds  
3.5 Baths  
2 Car Garage

2 Story  
3,420 Square Feet



# Atkins Place

## *Starting at \$500,000*

4 Beds | 2 Car Garage | 3.5 Baths | 3,073 - 3,420 Square Feet





# Atkins Place

## *Starting at \$500,000*

4 Beds | 2 Car Garage | 3.5 Baths | 3,073 - 3,420 Square Feet





# Atkins Place

## *Starting at \$500,000*

4 Beds | 2 Car Garage | 3.5 Baths | 3,073 - 3,420 Square Feet





## **Exhibit A**

### **REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of Fayette County require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

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

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

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

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


power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

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

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








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770.914.9394

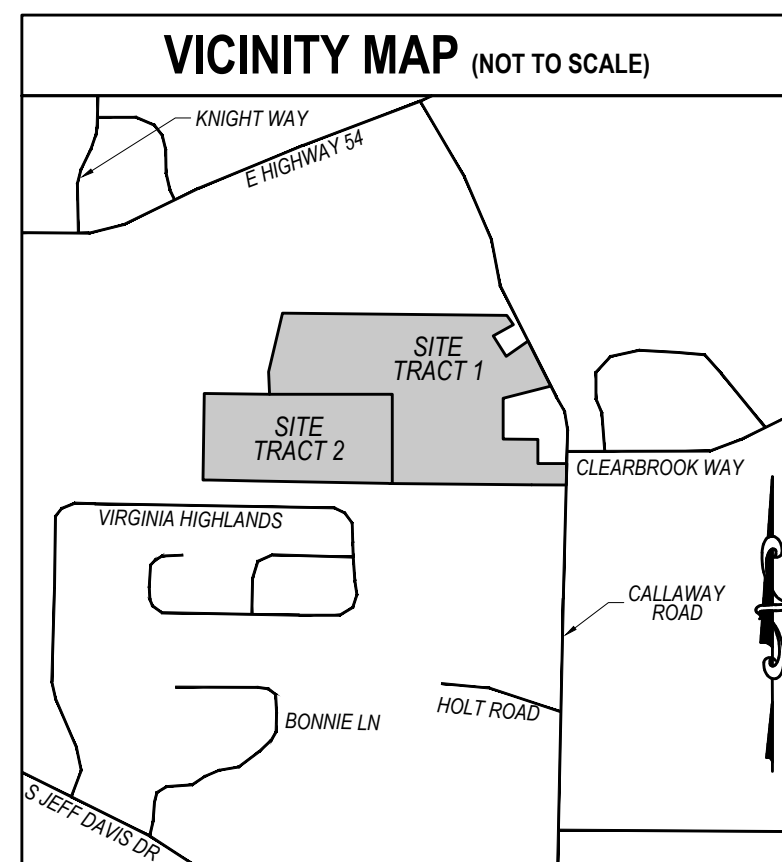
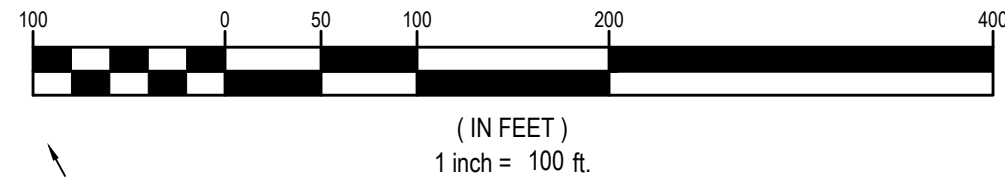
<b>PROJECT NAME</b>  CALLAWAY ROAD FAYETTE COUNTY, GEORGIA	<b>CLIENT NAME</b>  WGS, LLC  270 N. JEFF DAVIS DRIVE FAYETTEVILLE, GA 30214	
<div style="display: flex; justify-content: space-between;"> <div style="width: 15%;"> <b>REVISIONS</b> </div> <div style="width: 85%; border-bottom: 1px solid black; height: 100px;"></div> </div>		
A1014.0107-RZ-DEV PLAN		
DATE _____		
CONTRACT # _____		
DRAWN BY _____		
The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.		
1350 KEYS FERRY COURT McDONOUGH, GA 30253 USA #1110		
SEAL		
		
LEVEL 2 CERTIFICATION		
CERT. #0000048661 EXP.: 12/14/22		
SHEET TITLE		
<b>PROPOSED DEVELOPMENT PLAN</b>		
SHEET		
<b>1.0</b>		



BOUNDARY SURVEY FOR:  
**WGS, LLC**  
 LAND LOT 120 ~ 5TH DISTRICT  
 FAYETTE COUNTY, GEORGIA

THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT  
 RECORDING INFORMATION.

**GRAPHIC SCALE**



**LEGEND**

D.B.	DEED BOOK
P.B.	PLAT BOOK
PG.	PAGE
LL	LAND LOT
OTP	OPEN TOP PIPE
REAR	REAR
IPF	IRON PIN FOUND
IPS	1/2" REBAR W/IC LSF 001179
CTP	CRIMP TOP PIPE
C&G	CURB & GUTTER
R/W	RIGHT OF WAY
NF	NOW OR FORMERLY
E	OVERHEAD POWER LINE
CMP	CORRUGATED METAL PIPE
SWMF	STORMWATER MANAGEMENT FACILITY
TM	TEMPORARY BENCHMARK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
P	PROPERTY LINE
C	CENTERLINE
I	IDENTIFICATION
B.S.L.	BUILDING SETBACK LINE
B.O.C.	BACK OF CURB
C	CURVE LABEL
C.I.	CURB INLET
D.E.	DRAINAGE EASEMENT
E.O.P.	EDGE OF PAVEMENT
TH	FIRE HYDRANT
L	LINE LABEL
NF	NOW OR FORMERLY
PK	PK NAIL SET
S.S.E.	SANITARY SEWER EASEMENT
U.E.	UTILITY EASEMENT
REF.	REFERENCE
SEW	SEWER CLEAN OUT
SQ. FT.	SQUARE FOOT
FEET	FEET
IPF	IRON PIN FOUND
IPF	IRON PIN SET
IPF	CALCULATED POINT
IPF	POWER POLE (PP)
IPF	FIRE HYDRANT (FH)
IPF	WATER VALVE (WV)
IPF	WATER METER (WM)
IPF	JUNCTION BOX (JB)
IPF	SANITARY SEWER MANHOLE (SSMH)
IPF	DROP INLET (DI)
IPF	CONCRETE RW MONUMENT FOUND (CMF)
IPF	SINGLE WING CATCH BASIN
IPF	DOUBLE WING CATCH BASIN
IPF	CURB INLET (CI)
IPF	HEADWALL (HW)
IPF	FLARED END SECTION
IPF	LIGHT POST (LP)
IPF	YARD INLET (YI)
IPF	SEWER CLEAN OUT

TRACT 1  
 AREA:  
 56.25 ACRES  
 (2,450,262 SQ. FT.)  
 TAX ID  
 0525 011

**FLOOD NOTE**

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FAYETTE COUNTY, GEORGIA COMMUNITY  
 PANEL NUMBER: 1313C0108E EFFECTIVE DATE SEPTEMBER 28TH, 2008, THIS PROPERTY IS NOT LOCATED IN A FEMA  
 FLOOD HAZARD ZONE.

**SURVEY NOTES**

NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.

ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED W/IC LSF 001179 UNLESS OTHERWISE  
 NOTED.

MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE  
 CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED  
 A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN  
 CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT  
 SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION  
 DOES NOT EXTEND TO ANY OTHERS.

THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD  
 DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING  
 TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S.  
 MEASUREMENT EQUIPMENT.

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983/1994 ADJUSTMENT FOR HORIZONTAL  
 DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) OF 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S.  
 SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE  
 VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED  
 USING THE GEOID A12.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW  
 GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR  
 STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE  
 CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,280 FEET, AND AN  
 ANGULAR ERROR OF 03" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST  
 SQUARES METHOD.

THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR  
 CLOSURE AND IS FOUND TO BE ACCURATE FOR TRACT 1 WITHIN ONE FOOT IN 41,734 FEET, TRACT 2 WITHIN ONE FOOT IN  
 631,898". THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS  
 BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF  
 THE PLAT, AND SHALL NOT BE A GENERALIZATION.

ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE S6  
 ROBOTIC TOTAL STATION & CHAMPION TKO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED JULY 30TH, 2021 ON  
 THIS PROJECT.

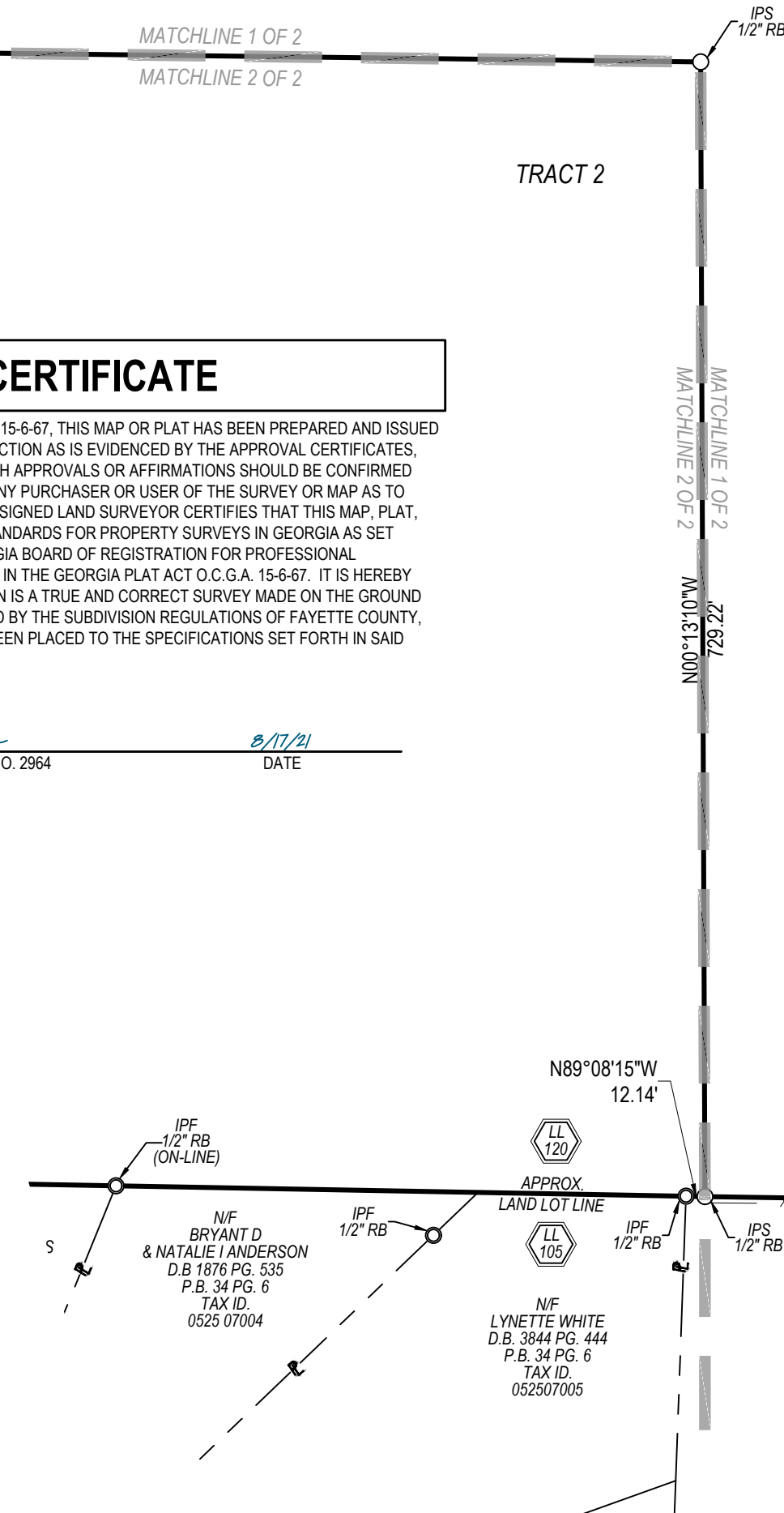
**SURVEY CERTIFICATE**

AS REQUIRED BY SUBSECTION (a) OF O.C.G.A. SECTION 15-6-67, THIS MAP OR PLAT HAS BEEN PREPARED AND ISSUED  
 FOR SUBMITTAL AND APPROVAL BY THE LOCAL JURISDICTION AS IS EVIDENCED BY THE 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 THE SURVEY OR MAP AS TO  
 INTENDED USE OF ANY PARCEL. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT,  
 OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET  
 FORTH IN CHAPTER 180-D OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL  
 ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. IT IS HEREBY  
 CERTIFIED THAT PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND  
 UNDER MY SUPERVISION, TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS OF FAYETTE COUNTY,  
 GEORGIA, AND THAT THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE SPECIFICATIONS SET FORTH IN SAID  
 REGULATIONS.

*Robert J. Debien*  
 ROBERT J. DEBIEN, GA REGISTERED LAND SURVEYOR NO. 2964

9/17/24

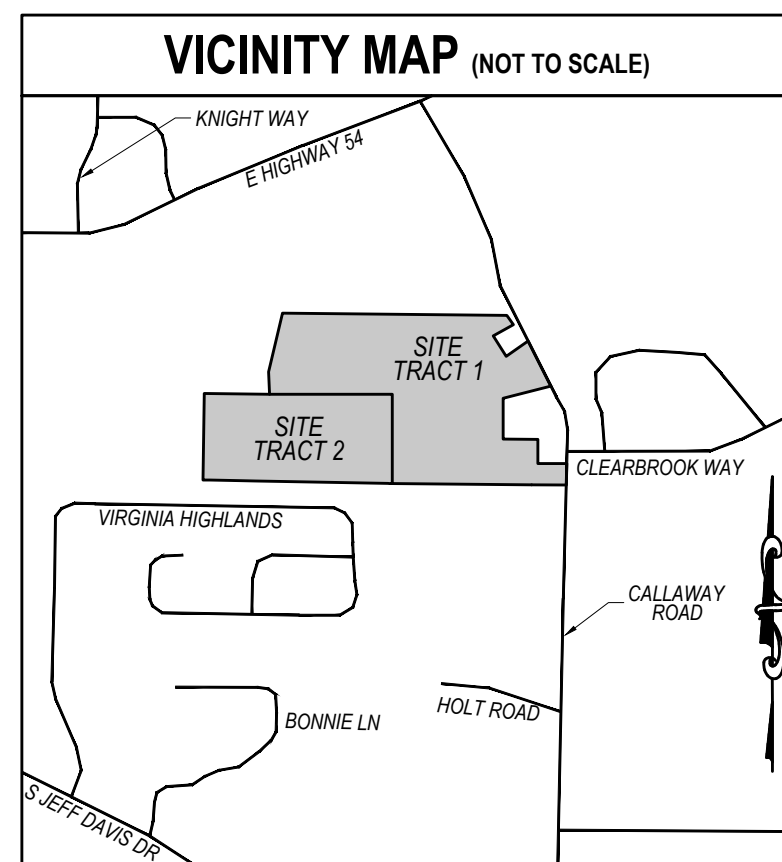
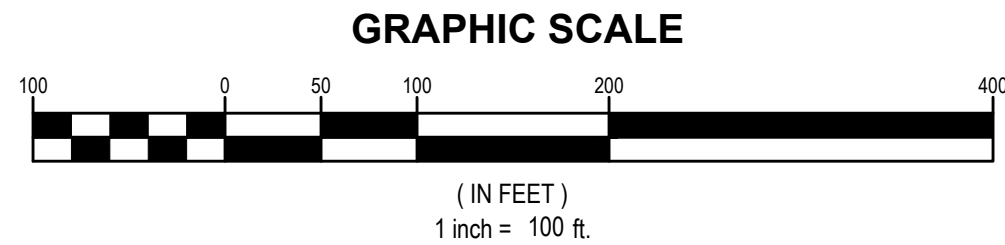
DATE





THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT  
RECORDING INFORMATION.

BOUNDARY SURVEY FOR:  
**WGS, LLC**  
LAND LOT 120 ~ 5TH DISTRICT  
FAYETTE COUNTY, GEORGIA



**LEGEND**

D.B.	DEED BOOK
P.B.	PLAT BOOK
PS	PAGE
LL	LAND LOT
OTF	OPEN TOP PIPE
REAR	REAR
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IPS	1/2" REBAR W/IC LSF 001179
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IDENT	IDENTIFICATION
B.S.L.	BUILDING SETBACK LINE
B.O.C.	BACK OF CURB
C	CURVE LABEL
C.I.	CURB INLET
D.E.	DRAINAGE EASEMENT
E.O.P.	EDGE OF PAVEMENT
TH	FIRE HYDRANT
L	LINE LABEL
NF	NOW OR FORMERLY
PK	PK NAIL SET
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U.E.	UTILITY EASEMENT
REF.	REFERENCE
CO	SEWER CLEAN OUT
SQ. FT.	SQUARE FOOT
FT	FEET
IPF	IRON PIN FOUND
IPF	IRON PIN SET
PP	CALCULATED POINT
PP	POWER POLE (PP)
FFH	FIRE HYDRANT (FFH)
WV	WATER VALVE (WV)
WM	WATER METER (WM)
JB	JUNCTION BOX (JB)
SSMH	SANITARY SEWER MANHOLE (SSMH)
DI	DROP INLET (DI)
CMF	CONCRETE RW MONUMENT FOUND (CMF)
WCB	SINGLE WING CATCH BASIN
WCB	DOUBLE WING CATCH BASIN
CI	CURB INLET (CI)
FW	HEADWALL (FW)
FLS	FLARED END SECTION
LP	LIGHT POST (LP)
YI	YARD INLET (YI)
SC	SEWER CLEAN OUT

**FLOOD NOTE**

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FAYETTE COUNTY, GEORGIA COMMUNITY PANEL NUMBER, 1311303108E EFFECTIVE DATE SEPTEMBER 26TH, 2008, THIS PROPERTY IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE.

**SURVEY NOTES**

NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.  
ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED W/ICAP LSF 001179 UNLESS OTHERWISE NOTED.

MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.

THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983/1994 ADJUSTMENT FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID A12.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,280 FEET, AND AN ANGULAR ERROR OF 03" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT, "THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE FOR TRACT 1 WITHIN ONE FOOT IN 44,734 FEET, TRACT 2 WITHIN ONE FOOT IN 531,806." THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE S6 ROBOTIC TOTAL STATION & CHAMPION TKO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED JULY 30TH, 2021 ON THIS PROJECT.

**SURVEY CERTIFICATE**

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THIS MAP OR PLAT HAS BEEN PREPARED AND ISSUED FOR SUBMITTAL AND APPROVAL BY THE LOCAL JURISDICTION AS IS EVIDENCED BY THE 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 THE SURVEY OR MAP AS TO INTENDED USE OF ANY PARCEL. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. IT IS HEREBY CERTIFIED THAT PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS OF FAYETTE COUNTY, GEORGIA, AND THAT THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE SPECIFICATIONS SET FORTH IN SAID REGULATIONS.

*Robert J. Debien*  
ROBERT J. DEBIEN, GA REGISTERED LAND SURVEYOR NO. 2964  
DATE 8/11/21

TRACT 2  
AREA:  
1,117,453 SQ. FT.  
25.65 ACRES  
TAX ID:  
0525 027



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1350 Keys Ferry Court  
McDonough, GA 30253  
770.914.9394

PROJECT NAME	CALLAWAY ROAD TRACT FAYETTE COUNTY, GEORGIA
CLIENT NAME	WGS, LLC 270 N. JEFF DAVIS DRIVE FAYETTEVILLE, GA 30214

REVISIONS	
1. REVISED ADDED TRACT 2, 8-3-2021	
2. REVISED TRACT 1 BOUNDARY, 8-12-2021	

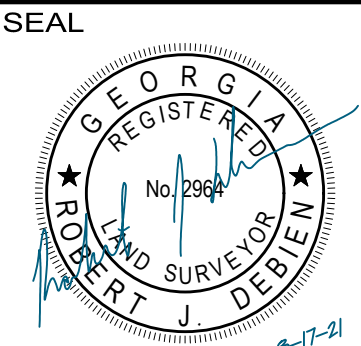
A1041.0107-BNDRY

DATE 8-2-2021

CONTRACT # A1041.0107

DRAWN BY RJD, DW, DC

1350 KEYS FERRY COURT  
MCDONOUGH, GA 30253  
770.914.9394



SHEET TITLE

BOUNDARY  
SURVEY

SHEET

**2 OF 2**

3  
REZONING APPLICATION, FAYETTE COUNTY, GA



NAME: WGS, LLCPETITION NUMBER: 1312-21 A+BADDRESS: 270 North Jeff Davis Drive, Fayetteville, GA**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

Daniel Fields affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 5th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-40.

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:

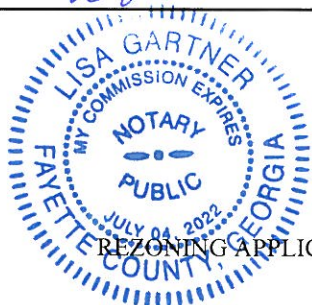
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 7:00 P.M.

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 2nd DAY OF August, 2021

Lisa Gartner  
NOTARY PUBLIC

[Signature]  
APPLICANT'S SIGNATURE



PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM  
(Applications require authorization by ALL property owners of subject property). Page 46 of 129

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

~~Wendell E. & Morris W. Shelnett (Estate), and Martha Eleanor Albee~~ / Thomas B Chandler  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0525 011 027

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is in Land Lot(s) 120 of the 5 District, and (if applicable to more than one district) Land Lot(s) \_\_\_\_\_ District, and said property consists of 2.565 acres (legal description corresponding to most recent recorded plat for the subject property is attached)

(I) (We) hereby delegate authority to Daniel Fields to act as (my) (our) Agent for 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 showing any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. (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 provided by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) acknowledge that additional information may be required by Fayette County in order to process this application.

Thomas B. Chandler  
Signature of Property Owner 1

165 Dawn Dr, Fayetteville, GA 30215  
Address

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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Address

Daniel Fields  
Signature of Authorized Agent

M. Carol Carlson  
Signature of Notary Public

8-2-2021  
Date

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

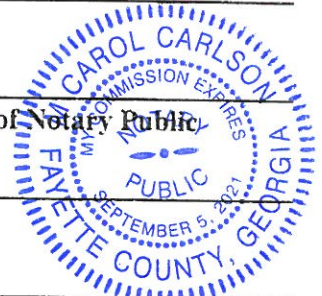
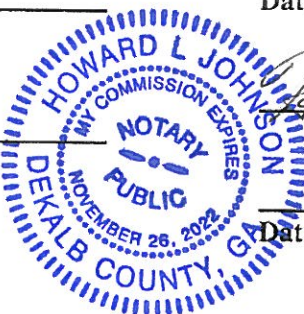
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Howard L. Johnson  
Signature of Notary Public

8/5-2021  
Date





PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM Page 47 of 129  
(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:

Wendell E. & Morris W. Shelnutt (Estate), and Martha Eleanor Albea

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0525 011 / 0525 011 A / 0525 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) 120 of the 5 District, and (if applicable to more than one land of the district) Land Lot(s) \_\_\_\_\_ District, and said property consists of a total of 56.40 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Daniel Fields 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.

Sonya Williams as  
POA of Conni P. Shelnutt

Signature of Property Owner 1

655 Birkdale Dr.

Fayetteville GA 30215  
Address 217 ELLAWAY  
FAYETTEVILLE  
WE SHelnutt

Signature of Property Owner 2

W E Shelnutt  
Address 200 FENWYCK COMMONS  
30214

Signature of Property Owner 3

Eleanor Albea  
Address \_\_\_\_\_

Daniel Fields  
Signature of Authorized Agent

Address \_\_\_\_\_

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Lisa Gartner  
8/2/2021



# AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, \_\_\_\_\_, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, \_\_\_\_\_ estimated 650 \_\_\_\_\_ feet of right-of-way along \_\_\_\_\_ Callaway Road \_\_\_\_\_ 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 2nd day of August, 2021.

Sonya Mullins  
For C. Connie C. Shelton  
 SIGNATURE OF PROPERTY OWNER

W E Shelton  
 SIGNATURE OF PROPERTY OWNER

Lisa Gartner  
 NOTARY PUBLIC

Eleanor Shiba



# AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, \_\_\_\_\_, said property owner(s) of subject property requested hereby agree to dedicate, at no cost to Fayette County, \_\_\_\_\_ estimated 650 \_\_\_\_\_ feet of right-of-way \_\_\_\_\_ Callaway Road \_\_\_\_\_ as measured from the centerline

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Future 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 2nd day of August, 2021

Thomas B. Boudle

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

M. Carol Carlson

NOTARY PUBLIC





## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- [ X ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- [   ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 2 day of August, 20 21.

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

## DISCLOSURE STATEMENT

**Please check one:**

**Campaign contributions** -      x   **No**                             **Yes (see attached disclosure report)**

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

# COUNTY AGENDA REQUEST

Page 52 of 129

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1312-21 B, Thomas B. Chandler, Owner, and Daniel Fields, Agent, request to rezone 25.65 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District.

## Background/History/Details:

Staff recommends approval of the request with five (5) conditions.

The Planning Commission recommended approval of the request with five (5) conditions.

Arnold Martin made a motion to recommend approval of petition 1312-21 B with conditions. John Culbreth seconded the motion. The motion passed 4-0-1. Brian Haren recused himself from this petition.

## What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1312-21 B, Thomas B. Chandler, Owner, and Daniel Fields, Agent, request to rezone 25.65 acres from A-R to R-40 to develop a residential subdivision; property located Land Lot 120 of the 5th District with five (5) conditions.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



# COUNTY AGENDA REQUEST

Page 53 of 129

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Ordinance 2021-13, amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations.

## Background/History/Details:

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

Arnold Martin made a motion to approve the amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations. John Culbreth seconded the motion. The motion passed 5-0.

## What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2021-13, amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

ARTICLE XV. - SUBDIVISION REGULATIONS<sup>[12]</sup>

Footnotes:

--- (12) ---

**Editor's note**— Ord. No. 2020-01, § 1, adopted May 28, 2020, amended Art. XV in its entirety to read as herein set out. Former Art. XV, §§ 104-592—104-602, pertained to similar subject matter, and derived from Code 1992, § 8-500—8-510; Ord. No. 2000-03, 1-27-2000; Ord. of 3-23-2006; Ord. No. 2010-05, § 1, 6-24-2010.

Sec. 104-592. - Declaration of purpose.

- (a) The regulations, specifications and procedures for the subdivision and subsequent development of land and for the platting thereof, prescribed and adopted by the ordinance from which this article is derived are hereby deemed by the board of commissioners to be desirable and necessary in order to help ensure the public health, safety, morals, and general welfare by means of harmonious, orderly, and progressive development of land. The board of commissioners' desire to provide this development framework to enable the property owners' reasonable reliance upon the manner in which subdivisions are developed. Further, the purposes of the regulations of the subdivision of land are, among others:
- (1) To encourage and ensure the development of economically sound and stable neighborhoods;
  - (2) To ensure the adequate provision of required streets, utilities, and other facilities and services to new land developments;
  - (3) To ensure the provisions of reasonably safe and convenient vehicular and pedestrian traffic access and circulation;
  - (4) To ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservations of land for recreational, educational, and other public purposes;
  - (5) To ensure land is developed with reasonable safeguards for environmental protection;
  - (6) To provide accurate, uniform records for identification and location of real estate boundaries; and
  - (7) To ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the county.
- (b) The harmonious, orderly, and progressive development of land is further facilitated by recognizing a hierarchy among the ordinances and regulations which govern the development of land. To the extent a conflict exists between these subdivision regulations and the zoning ordinance of Fayette County the subdivision regulations shall control.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-593. - Definitions.

For the purpose of this article, the following words, terms, phrases, and their derivations shall have the meaning given in this section. Words and terms not explicitly defined in this article shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

*Comprehensive plan* means the comprehensive plan for the county, approved by the board of commissioners and maintained by the county planning and zoning department.

*Construction plans* means any plans required for the review, permitting and construction of a subdivision, including, but not limited to: site; grading; street profiles; stormwater management; floodplain management, utility; soil erosion, sediment, and pollution control; soil surveys; and construction details.

*County engineer* means the official to whom the responsibilities normally associated with this title have been delegated.

*County thoroughfare plan* means the thoroughfare plan for the County of Fayette, Georgia, approved by the board of commissioners, indicating the designation of street type, and is maintained by the county planning and zoning department.

*Cul-de-sac* means a street, or segment of a street, with only one way in or out and which terminates at a turnaround constructed in accordance with the county development regulations.

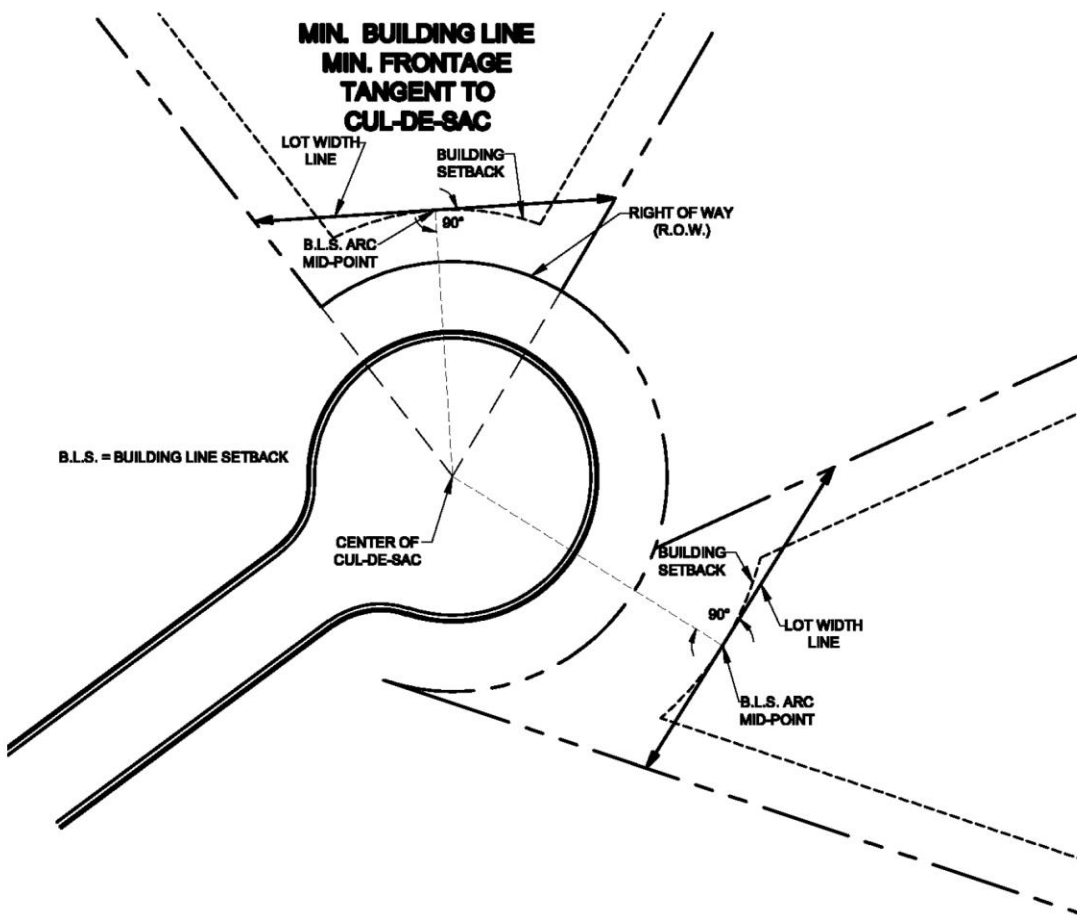
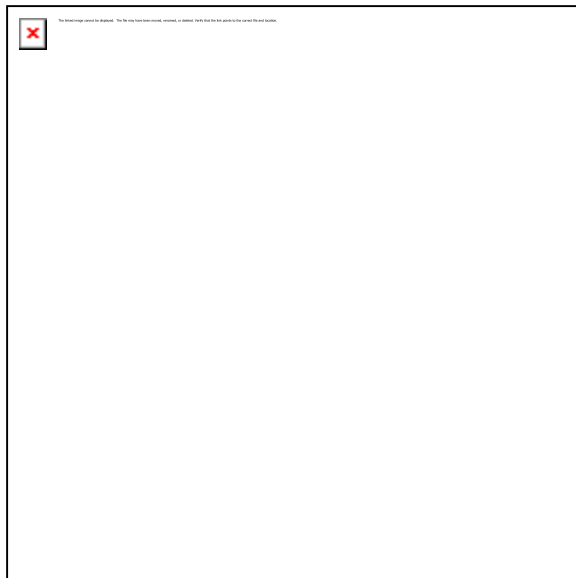
*Development* means a manmade change to improved or unimproved real estate, including, but not limited to any activity, action, or alteration that fundamentally alters the current use and/or density on the property and/or construction of buildings or other structures.

*Easement* means an interest in land granted by a land owner to another person or entity, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose, such as to cross for access to a public road.

*Environmental health department county manager* means the department official responsible for all matters within the subdivision regulations pertaining to health regulations. ~~and who is the director of the county environmental health department.~~

*Lot* means a tract of land of varying sizes which is designated as a single unit of property.

*Lot width* means the minimum distance between side property lines either measured in a straight line parallel to the street right-of-way or a tangent and perpendicular to the mid-point of the arc in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic below).



*Phase* means a portion or section of a larger development delineated on an approved, recorded major or minor final plat.

*Plat, major final*, means all divisions of a tract of land into two or more lots where new streets are created to access said lots.

*Plat, minor final*, means all divisions of a tract of land into two or more lots where no new streets are created.

*Plat, preliminary*, means a conceptual subdivision plan required prior to a major final plat.

*Planning commission* means the planning commission of the county.

*Right-of-way* means a strip of land, often of uniform width, that is owned by the county and used, or may be used for transportation, utilities, or similar purposes.

*Street* means a public or private thoroughfare or road used for vehicular access to other streets and/or properties. Streets may be:

- (1) Public owned and operated/maintained by the county (i.e., fee simple ownership or dedication through an instrument of conveyance);
- (2) Public owned and operated/maintained by the county (i.e., those within a prescriptive easement); or
- (3) Private privately owned and maintained (i.e., a private road)

*Subdivider* means any person, firm, corporation, association or partnership or any agent thereof who undertakes or proposes to undertake the subdivision of land so as to create a subdivision as defined herein.

*Subdivision* means all divisions of a tract of land into a minimum of two or more lots.

*Technical review committee (TRC)* means a committee of county staff, in regards to the subdivision regulations, that performs the review of preliminary plats, major final plats, and minor final plats prior to approval by the planning commission.

*Tract* means a specified parcel of land.

*Utility* means any service available to the public by means of an overhead or underground distribution and/or collection systems such as electricity, telephone, water, wastewater, stormwater, cable, natural gas, etc.

*Zoning administrator* means the official to whom the responsibilities normally associated with this title have been delegated.

*Zoning ordinance* means the zoning ordinance enacted by the board of commissioners of the county, which is maintained and implemented by the county planning and zoning department.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-594. - Generally.

- (a) *Zoning ordinance*. No subdivision shall be approved which does not conform with the zoning ordinance regulations applicable to the land for which it is proposed. The preliminary and/or final plat must indicate the setbacks and other dimensional requirements in such a way that the minimum requirements are met.
- (b) *Recordation of subdivision plats*. No subdivision plat shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission. The secretary to the planning commission shall endorse the plat upon approval by the planning commission.
- (c) Unless noted otherwise, the county engineer shall be responsible for the implementation of the subdivision regulations.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-595. - Approval of subdivisions.



Subdivisions shall be reviewed and approved in stages as follows: preliminary plat (required for a major final plat), construction plans (required for a major final plat, see article III of this chapter), and major final plat or minor final plat, as applicable. The procedures of this section are administered by the county planning and zoning department, unless indicated otherwise.

(1) *Preliminary plat.*

- a. *Purpose.* The preliminary plat safeguards the subdivider from unnecessary loss of time and expense in preparation of a subdivision plat that does not conform with specifications of the subdivision regulations ordinance. The preliminary plat requires accuracy of scale and dimension. Public agencies having jurisdiction review the preliminary plat regarding matters within their jurisdiction. During the review process, the subdivider or his agent may be called upon for clarification. The subdivider is ultimately responsible for compliance with all applicable statutes, ordinances, regulations, and rules. Approval of a preliminary plat shall not constitute a variance or authorization to violate any statute, ordinance, regulation, and/or rule.
- b. *Preliminary plat.* The subdivider shall submit to the planning and zoning department for the planning commission a preliminary plat, with a completed application, of the entire tract which will show the future street system and lot layout for the entire tract. The plat must also show future recreation areas and pedestrian circulation patterns.
- c. *Street names and subdivision name approval.* Prior to approval of the preliminary plat, street names and subdivision names shall be submitted to the planning and zoning department. The planning and zoning department shall forward said names to 911 for approval. Approval by 911 is required. The planning and zoning department shall reserve the names with 911. The approved names shall be indicated on the preliminary plat.
- d. *Submittal of the preliminary plat and other requirements.* Preliminary plats shall be submitted to the planning and zoning department. The preliminary plat shall be prepared, signed, and sealed in accordance with these regulations and with applicable county specifications by a registered engineer, surveyor, and/or landscape architect who is licensed under the state. The zoning administrator shall have authority to reject the submittal of the preliminary plat, if after study, the zoning administrator finds that requirements have been omitted or misrepresented on the preliminary plat and shall return the plat to the applicant to be completed or revised. If rejected, the zoning administrator shall provide subdividers with a written statement specifying all the respects in which the plat fails to comply. Subdividers shall have the right to appeal to the planning commission from such rejections.
- e. *Approval by individual agencies.* Preliminary plats shall be reviewed and approved by the technical review committee (TRC) prior to consideration by the planning commission. Should the plat contain deficiencies and require corrections, said corrections shall be made by the design professional to satisfy all requirements of the preliminary plat, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable department shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments. The applicable departments shall recommend approval with or without conditions or shall require modification of the preliminary plat to the extent that each has jurisdiction. No preliminary plat shall be placed on the planning commission agenda until it has been reviewed and approved by the TRC.
- f. *Approval by planning commission.*
  1. The preliminary plat shall be placed on the planning commission agenda for consideration when the preliminary plat has been reviewed by the TRC and approved **or approved with conditions** by the zoning administrator and all of the applicable departments.
  2. The planning commission shall take action on preliminary plats in their regularly scheduled meetings. For revisions to a recorded plat that requires approval of a revised

preliminary plat that substantially changes a street and/or utility layout shown on a recorded plat shall be afforded a public hearing on the new preliminary plat. The legal notice for which shall be advertised in at least one of the newspaper in which is carried the legal advertisements of the county in such a manner as to give at least seven calendar days' notice of the public hearing from the date of issue.

3. The planning commission shall have 60 calendar days to act on a preliminary plat. The 60 calendar days begins upon approval by all of the appropriate departments. ~~The planning commission may consider a preliminary plat at a public hearing or a workshop/public meeting (a schedule of the planning commission's monthly meetings is available through the planning and zoning department).~~ If approval of the preliminary plat is not ~~recommended~~ granted, the reasons therefor shall be supplied to the subdivider. The approval of a preliminary plat by the planning commission shall not be deemed to constitute an acceptance by the county of any street or other real property shown upon the plat.
- g. *Approval of construction plans.* Upon approval of the preliminary plat by the planning commission, construction plans, including a copy of the approved preliminary plat, shall be submitted to the environmental management department for distribution to the appropriate departments for approval. The plans must be prepared in accordance with the requirements of the development regulations. Permits for grading, road construction, and/or any minimal improvements shall not be given until the county engineer, environmental management director, and the fire marshal have approved the construction plans as indicated by their signature and/or stamp. Construction plans and applicable permits shall expire upon expiration of the preliminary plat. Resubmitted construction plans, required as a result of an expired preliminary plat, shall be updated to comply with all applicable federal, state, and local regulations. Any plans requiring approval by a state and/or federal agency shall be submitted directly to said agency by the subdivider and the approval from the state and/or federal agency shall be submitted to the Environmental Management Department.
- h. *Expiration.* Preliminary plats shall include the following statement: "Approval of this preliminary plat shall expire 24 months from the date of approval by the planning commission unless:
  1. A major final plat for at least one phase has been approved; or
  2. Street base construction for at least 50 percent of the total linear footage of all streets approved on the preliminary plat has been completed, and-inspected and approved." If at 24 months there is active construction on site, the subdivider may request in writing an extension not to exceed 12 months.

Upon expiration of the preliminary plat, a new preliminary plat shall be submitted in accordance with all current regulations and requirements.

(2) *Major final plat or minor final plat.*

- a. *Conformance.* The major final plat shall conform generally with the layout indicated on the preliminary plat. If desired by the subdivider, the major final plat may be developed and recorded in phases; provided that each phase conforms with all requirements of these regulations and the development regulations.
- b. *Filing the major final plat or minor final plat.* A final plat shall not be submitted for review until the minimum improvements are completed subject to the provisions herein. The number of copies required of the final plat is available in the planning and zoning department. The planning and zoning department shall distribute copies of the final plat to the appropriate departments for review. The final plat shall be deemed filed when it has been submitted to the planning and zoning department and approved by the project case coordinator.
- c. *Approval by appropriate departments.* A final plat shall be reviewed by the technical review committee (TRC). Should the final plat require corrections, the corrected copies of the plat

shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the planning and zoning department.

- d. *Resubmittal.* When a corrected final plat is resubmitted, the applicable departments shall review the resubmitted final plat compliance with all applicable statutes, codes, ordinances, and rules. The review of a resubmitted final plat shall not be limited to only those reasons identified from a previous review.
- e. *Approval by the planning commission.*
  1. The final plat shall be placed on the planning commission agenda for consideration when the final plat is approved **or approved with conditions** by all of the appropriate departments. No final plat shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission in a public meeting.
  2. The planning commission shall have 60 calendar days to approve, **approve with conditions** or deny a final plat. The 60 calendar days begins upon approval by all of the appropriate departments. **~~The planning commission may consider a final plat at a public hearing.~~** If approval of the final plat is not **recommended granted**, the reasons therefore shall be supplied to the subdivider.
  3. The secretary to the planning commission shall endorse the final plat upon approval by the planning commission.
- f. *Additional requirements for final plat (if applicable) for approval prior to recordations.* In addition to the above requirements, all documents, including, but not limited to: reports, environmental permits and/or variances (required for subdivision construction), bonds, irrevocable letters of credit, as-built drawings, and stormwater operation and maintenance plans and agreements, referenced in the development regulations shall be submitted to the applicable departments. One digital copy of the approved final plat in a format that is compatible with the county's geographic information system must be submitted to the **~~planning and zoning~~ Environmental Management** Department for distribution to the appropriate departments.
- g. *Final plat expiration.* A final plat shall expire 90 calendar days after the date of approval by the planning commission if the final plat has not been recorded by the subdivider into the county clerk of superior court records. Once a final plat has expired, it and any maintenance bond and/or irrevocable letter-of-credit (see section 104-600) are void and a new final plat and maintenance bond and/or irrevocable letter of credit shall be submitted.
- h. *Revision to a recorded final plat.*
  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.
3. *Amend setbacks increased by a condition of rezoning.* This will be administered as a rezoning under article IX, Policies, Procedures and Standards Governing Amendments. The following additional factors shall be considered in 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) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
4. Amend setbacks increased by a developer on a major or minor final plat. Proposed revisions to a recorded final plat which reduce a setback increased by the developer shall be considered in public hearings before the planning commission. Notice of a scheduled public hearing shall be published at least 15 calendar days prior to the public hearing before the planning commission. One sign is required to be posted for each street frontage of the subject property at least 15 calendar days prior to the public hearing before the planning commission. A refundable sign deposit shall be required for each sign at the time of application. The following factors shall be considered by the planning commission 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) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
- i. *Minor revisions to a recorded final plat (major or minor).* A minor revision to a recorded final plat such as the combination of lots, minor shifts to lot lines, corrections of errors and/or establishment or modification of an easement that does not increase the number of lots, change the use, alter the road or utility layout, or change the outer boundary of the final plat will be reviewed by the zoning administrator, **Environmental Health and Environmental Management**. Based on the nature of the minor revision, the zoning administrator ~~shall~~ **may** contact ~~the any other~~ applicable departments for their input, **as needed**. ~~The signature of the zoning administrator and environmental health specialist shall be required for approval of the minor revision prior to recording.~~ See section 104-596 for requirements to be indicated on the minor revision of a final plat, as applicable.
- j. *Dimensional requirements increased by a developer on a final plat (major or minor).* Any dimensional requirements, e.g., setback, etc., specifically indicated on an approved final plat approved prior to May 28, 2020 (the effective date of this amendment) which is greater than a minimum zoning dimensional requirement shall control over the minimum zoning dimensional requirement. For example, a front yard setback indicated on an approved final plat that is greater than the requirement of the zoning district shall control. To the extent any future lot is sought to be added to the subdivision by subdividing an existing lot or adding property to the subdivision, the future lot(s) must comply with all requirements originally set out in the final plat. No consideration will be given for any dimensional requirement, or other issue, which is more lenient in the zoning district as compared to the final plat. All final plats (major or minor), which are not applicable to the regulation above, shall not be approved after May 28, 2020 (the effective date of this amendment) with a setback that is greater than the minimum setback of the applicable zoning district unless the setback was increased by a condition of rezoning. In addition, no final plats (major or minor) shall be amended to establish a setback that is greater than the minimum setback of the applicable zoning district originally indicated on the final plat.
- k. *Requirements after the recordation of an approved final plat (major or minor).* After the final plat has been recorded, the subdivider shall submit to the county the required number of recorded copies of the final plat, a digital media copy of the approved final plat, and a recorded deed for any right-of-way being donated to the county
- l. *Building permit.* No permit for the construction of any building on any lot of a proposed subdivision or phase thereof shall be issued unless the final plat has been recorded in the office of the clerk of superior court of the county, and unless the minimum site improvements, as prescribed in this article, have been made and such improvements have been inspected and approved by the applicable departments. Lots within a nonresidential subdivision shall also require an approved site plan, as applicable, for the issuance of a building permit.
- m. *Right-of-way dedication.* Right-of-way dedication, conveyed by deed with a metes and bounds legal description, shall be provided as required by Fayette County's Development Regulations and the Fayette County Thoroughfare Plan. The right-of-way dedication may be shown in an insert or on an additional sheet to the plat.

Sec. 104-596. - The subdivision plat.

- (a) *The preliminary plat.* The preliminary plat shall contain all the following requirements and certification statements, and any additional information required to address any state and/or federal requirements. The following shall be indicated on the preliminary plat:
- (1) The title block shall state: "Preliminary Plat of \_\_\_\_\_ Subdivision," and within the title block include county, state, land lot(s), and district(s).
  - (2) Indicate date of plat preparation; provide scale of drawing (not to exceed one inch = 100 feet, stated and shown graphically).
  - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.
  - (4) Provide legend of all abbreviations.
  - (5) Provide an index of sheets if more than one sheet is provided.
  - (6) Provide name, address, and telephone number of the owner and/or developer.
  - (7) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design professional must be licensed in the State of Georgia.
  - (8) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
  - (9) Show exterior property lines with bearings and distances of subject property.
  - (10) Provide zoning district and ~~property owner(s) name and/or~~ subdivision name of all adjacent properties.
  - (11) Show location, purpose, and width of any easement of record or provide a note if there are no existing easements associated with the property.
  - (12) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
  - (13) Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
  - (14) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.).
  - (15) All applicable zoning regulations shall be indicated on the preliminary plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see section 110-77 of the zoning ordinance).
  - (16) Provide the square footage area and the acreage to the 1/100 th acre on each lot; label the lot numbers; show the ~~bearings &~~ distances of all ~~lots~~ lines.
  - (17) Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
  - (18) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
  - (19) The plat shall show all parcels of land to be dedicated to the County for public use – including right of way.

- (20) Indicate the boundaries and area to 1/100 th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot."
- (21) Indicate the boundaries, the square footage area and area to 1/100th acre for any proposed developed residential recreational/amenity areas (see section 100-169 of the zoning ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
- (22) Contiguous areas. Provide the contiguous area of each lot to the 1/100 th acre on each lot or in a table. (See section 104-597(3))
- (23) Statements and/or certifications. Provide the following statements and/or certifications, as applicable:
- "Approval of this Preliminary Plat shall expire 24 months from the date of approval by the Planning Commission unless a Final Plat for at least one phase has been approved; or street base construction for at least 50 percent of the total linear footage of all street(s) approved on the Preliminary Plat **have been completed. If at 24 months there is active construction on site, the subdivider may request in writing an extension not to exceed 12 months.**"
  - "This Preliminary Plat has been reviewed and approved by the Planning Commission on \_\_\_\_/\_\_\_\_/\_\_\_\_."
- ~~(24) Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems. The requirements for a Soil Classifier are located in said manual~~
- (25) Label street(s) with approved street names.
- ~~(26) Soil classification delineation. Include the following statement:~~
- ~~I,       (name)       do hereby certify that the Level III soil name survey information provided on this plat was performed by       (company name)       in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

_____ Signature of Soil Classifier	
_____ Georgia Department of Public Health, Professional Geologist, or Professional Engineer Registration No. Registration Numbers/License Numbers	
_____ Company Address & Telephone	

- (27) ~~Show all existing and/or proposed streets on and/or adjacent to property. Label road names (as available) right of way widths. Provide right of way dedication, as needed.~~

The surveyor shall provide the following, minimum, information with respect to existing and/or proposed streets:

- As-built centerline and edge of pavement of all existing roads adjacent to the subject parcel(s).
  - Existing cross drains and driveway culverts. Indicate direction of flow.
  - Centerline and edge-of-pavement of intersecting roads.
  - Existing utilities, to include waterline lines, meters, vaults, fire hydrants, power poles, guy wires, cable boxes, phone boxes, etc.
  - Other improvements or structures within the existing and proposed right-of-way, such as fences, signs, driveways, etc.
  - Existing right-of-way lines and existing right-of-way widths as measured from the subject parcels to road centerlines.
  - Proposed right-of-way lines as determined by establishing a best-fit existing road centerline and then offsetting the centerline  $\frac{1}{2}$  the required right-of-way width. (The required right-of-way width shall be determined from the Fayette County Thoroughfare Plan and Development Regulations.) Indicate the distance from the centerline to the new right-of-way at the original boundary property lines and at one location close to the center of the lots being developed, as appropriate.
- (28) Street length. Indicate the length of each street in the subdivision.
- (29) Corner lots. Fillet (20 foot radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.
- (30) ~~Entrances~~ Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development regulations—article III.)
- (31) ~~Any new residential lots created on existing roadways, driveways must be shown to have required sight distance.~~ Prior to Preliminary Plat approval, the Engineer or Surveyor shall provide a Sight Distance Assessment form (available from Fayette County EMD) to the Fayette County Environmental Management Department for each proposed lot fronting an existing road. Fayette County will deny the creation of a new lot that cannot meet minimum intersection sight distance requirements.
- (32) Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
- (33) Show existing (dashed) contours at ten ~~and~~ two-foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.
- (34) Traffic calming. Maximum tangent length between horizontal curves is 750 feet. (Development regulations—article III, section 8-82.1.6)
- (35) Road intersections. All new roadways shall intersect as nearly to 90 degrees as possible. Not less than 80 degrees. (Development regulations—article III, section 8-52.1.7)
- (36) Minimum roadway centerline radius—175 feet for internal local roads. (Development regulations—article III, section 8-52.1.6)
- (37) Delineate and label all state waters requiring watershed protection buffers and setbacks on the property and adjacent to the property where any watershed buffers and/or setbacks extend onto the property. Provide a note if there are no state waters requiring a watershed buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."



- (38) Show location of all specimen trees within 100 feet of the centerline of all right-of ways, stormwater management structures **and facilities**, and utility and/or drainage easements.
- (39) Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal. Tree protection plan (TTP) must be submitted in accordance with the tree retention, protection, and replacement ordinance.
- (40) Delineate and label each drainage basin within the project boundaries. For each basin, provide drainage areas and existing and proposed CN values. Show offsite area and peak flows ( $Q_{10}$  and  $Q_{100}$ ) for drainage passing through the site.
- (41) Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. **All stormwater management facilities must be located on commonly owned lots.** For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria as referenced in the GA Stormwater Management Manual will be satisfied or why any exemptions may apply.
- (42) Delineate any areas of special flood hazards on or adjacent to the property as required in the floodplain management ordinance. **~~For any streams with 100 acres or greater drainage area provide the future conditions flood elevation. (Some future conditions flood elevations are available at the stormwater management department.)~~** Provide a note if there are not areas of special flood hazards on or adjacent to the property. Reference the FIRM panel number and date.
- (43) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there are no groundwater recharge areas on the property.
- (44) Indicate the location of a cemetery (if applicable, see Fayette County Code, chapter 12, article VII. Cemeteries, burial grounds, human remains, and burial objects) **and provide a 20 foot access/maintenance easement to and around the cemetery.**
- ~~(45) Delineate all jurisdictional wetlands and provide the source of the wetland determination or provide a note if there are no wetlands on the property. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers.~~
- (46) **If required by the Environmental Management Department**, include the following statement:

Wetland Delineation

I,            (name) of            (organization) do hereby certify that I have field inspected the property known as            (subdivision name) on            (date) and determined that the property ☐ contains ☐ does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

<u>          </u> Signature of Wetland Delineator
<u>          </u> Company Address & Telephone

Or, if approved by the Environmental Management Department, include the following statement:  
 "Per the national wetlands inventory the site (does/does not) contain jurisdictional wetlands. Any jurisdictional wetlands on the site are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these jurisdictional wetland areas without proper authorization."

- (47) **Delineate any adjacent drainage easements, lake, ponds or stormwater management facilities, structures, and streams within 100 feet of boundary which may be impacted by development.**

- (48) Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
- (49) Indicate the proposed layout of waterlines and sewer lines (if applicable) **and include the following statement:**
- 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/homebuilders expense and all applicable meter and availability fees shall also be applied. Water main taps shall be observed by Water System personnel with a 48 hour lead time - 770-461-1146 (option 5).**
- (b) *The major final plat.* The major final plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements. Sheet design: The major final plat and/or a revision to a recorded major final plat shall conform in general with the preliminary plat and shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches. The following shall be indicated on the final plat:
- (1) The title block shall state: "Major Final Plat of \_\_\_\_\_" A revision to a major final plat must state "Revised Major Final Plat of \_\_\_\_\_" and also purpose of revision and date of revision. Within the title block include county, state, land district(s) and land lot(s).
  - (2) Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
  - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.
  - (4) Provide a legend for all abbreviations.
  - (5) Provide an index of sheets if more than one sheet is provided.
  - (6) Provide signature blocks for county approval: Environmental Health, Environmental Management, County Engineer/**designee**, Planning Commission Secretary/**designee**, Zoning Administrator/**designee**, and Fire Marshal/**designee** (~~§ 5-2.3 of Subdivision Regulations~~).
  - (7) Provide name, address, and telephone number of owner and/or developer.
  - (8) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
  - (9) Show all land lot lines; land district lines; land section lines; and city and county boundaries intersecting or adjacent to the property.
  - (10) Show exterior property lines with bearings and distances of subject property.
  - (11) Provide zoning and property owner name and/or subdivision name of all adjacent properties.
  - (12) Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
  - (13) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
  - (14) Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
  - (15) Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
  - (16) Provide information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.

- (17) All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see section 110-77).
- (18) Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
- (19) Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
- (20) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
- (21) The plat shall show all parcels of land to be dedicated to the County for public use.
- (22) Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot."
- (23) Indicate the boundaries and area to 1/100th acre for any proposed developed residential recreational/amenity areas (see section 100-169 of the zoning ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
- (24) Contiguous areas. Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See section 104-597(3))
- (25) Provide the following statements on the face of the plat.

#### OWNER'S CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the \_\_\_\_\_ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the right-of-way of all new streets and within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court.

Owner	Date	Mortgagee	Date
_____	_____	_____	_____
_____	_____	_____	_____

#### ~~LEVEL III SOIL SURVEY~~

~~I, \_\_\_\_\_ (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by \_\_\_\_\_ (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

~~Signature of Soil Classifier \_\_\_\_\_~~

~~Company Address & Telephone \_\_\_\_\_~~

~~Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer~~

~~Registration No.-~~

~~Registration Numbers/License Numbers~~

- 
- (26) Georgia Rule. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- (27) Plat Act. The date(s) of field work, plat preparation and all subsequent revisions including a brief explanation of each revision.
- (28) Georgia Rule. Show the closure precision of the field survey. This may be stated as follows: "The field data upon which this map or plat is based has a closure precision of one foot in \_\_\_\_\_ feet, and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule."
- If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.
- (29) Georgia Rule. Show the closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet."
- (30) Georgia Rule. For Traditional Survey Equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.
- When GPS equipment is used in performing the survey.
- A note stating what portion (or all) of the survey was performed using GPS equipment.
- Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used.
- Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.
- A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor.
- (31) Surveying. Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
- (32) Surveying. **New** street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
- (33) Surveying. Lengths shall be expressed to the nearest one-hundredth (1/100 th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.



- (34) Corner lots. Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.
- (35) ~~Entrances~~ Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development regulations—article III.)
- ~~(36) On any new residential lots created on existing roadways, driveways must be shown to have required sight distance.~~
- ~~(37) Show all existing and proposed streets on and adjacent to property. Label road names RAW widths. Provide RAW dedication, as needed.~~

The surveyor shall provide the following, minimum, information with respect to existing and/or proposed streets:

- As-built centerline and edge of pavement of all existing roads adjacent to the subject parcel(s).
- Existing cross drains and driveway culverts. Indicate direction of flow.
- Centerline and edge-of-pavement of intersecting roads.
- Existing utilities, to include waterline lines, meters, vaults, fire hydrants, power poles, guy wires, cable boxes, phone boxes, etc.
- Other improvements or structures within the existing and proposed right-of-way, such as fences, signs, driveways, etc.
- Existing right-of-way lines and existing right-of-way widths as measured from the subject parcels to road centerlines.
- Proposed right-of-way lines as determined by establishing a best-fit existing road centerline and then offsetting the centerline  $\frac{1}{2}$  the required right-of-way width. (The required right-of-way width shall be determined from the Fayette County Thoroughfare Plan and Development Regulations.) Indicate the distance from the centerline to the new right-of-way at the original boundary property lines and at one location close to the center of the lots being developed, as appropriate.

(38) Street length. Indicate the length of each street in the subdivision.

(39) Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.

(40) Provide the following statements on the face of the plat.

#### SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: \_\_\_\_\_

GA Registered Land Surveyor - Signature and License Number Date

#### ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and

that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: \_\_\_\_\_

GA Professional Engineer - Signature and License Number Date

Plat Act.

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.

- (41) Monuments. Show the location, material and description of all monuments.
- (42) Monuments. Provide a permanent benchmark on site, per ~~§ 5-2-5~~ Sec. 104-598 of the Subdivision Regulations.
- (43) Easements. Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.
- (44) State waters. Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, ~~jurisdictional~~ wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters.
- (45) Watershed protection. Delineate watershed protection buffers and setbacks per article VII of the development regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback." Show the 1,000-ft watershed protection impact boundary, if applicable.
- (46) Floodplain. Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
- (47) Floodplain. Delineate and label all flood hazard areas (natural and manmade, ~~including cross drains~~). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat.
- ~~(48) Floodplain. Indicate the minimum finish floor elevation (MFFE) at least three ft above the 100-year flood elevation or one ft above the future flood plain conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study."~~
- ~~(49) Wetlands. Delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. "Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization."~~
- (50) Stormwater. Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the

project's inspection and maintenance agreement for stormwater management controls. Stormwater controls shall be on commonly owned property.

- (51) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.
- (52) Indicate the location of a cemetery (if applicable, see Fayette County Code, chapter 12, article VII. Cemeteries, burial grounds, human remains, and burial objects) and provide a 20 foot access/maintenance easement to and around the cemetery.
- (53) Include the following statement: "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."
- (54) Include the following statements on the face of the plat:

#### STORMWATER MANAGEMENT INSPECTION & MAINTENANCE

The property conveyed herein is subject to the restrictive covenants of the \_\_\_\_\_ Homeowners Association and an Inspection and Maintenance Agreement for Stormwater Management Controls recorded in Deed Book \_\_\_\_, page \_\_\_\_\_. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the County, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County Environmental Management Department.

If required by the Environmental Management Department, include the following statement:

#### WETLAND DELINEATION

I,       (name)       of       (organization)       do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains (?) or does not contain (?) jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

Signature of Wetland Delineator \_\_\_\_\_

Company Address & Telephone \_\_\_\_\_

Or, if approved by the Environmental Management Department, include the following statement: "Per the national wetlands inventory the site (does/does not) contain jurisdictional wetlands. Any jurisdictional wetlands on the site are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these jurisdictional wetland areas without proper authorization."

- (55) Delineate any adjacent drainage easements, lake, ponds or stormwater management facilities, structures, and streams within 100 feet of boundary which may be impacted by development.
- (56) Label proposed street names and address numbers on each lot for each street frontage(s).
- (57) Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
- (58) Indicate and label the location of all water lines in the right-of way and include the following statement:

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/homebuilders expense and all applicable meter and availability fees shall also be applied. Water main taps shall be observed by Water System personnel with a 48 hour lead time - 770-461-1146 (option 5).

(NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)

(59) Submittals. The following submittals and checks shall be satisfied prior to final plat approval, as applicable.

- a. Core sample report (development regulations, article III of this chapter).
- b. Soil density tests (development regulations, article III of this chapter).
- c. Utilities-power, gas, and water installed (development regulations, article III of this chapter).
- d. Stormwater management plan (development regulations, article XIII of this chapter).
- e. Stormwater operations and management plan (development regulations, article XIV of this chapter).
- f. Storm sewer installation report (development regulations, article III of this chapter).
- g. Stormwater management inspection and maintenance agreement (development regulations, article XIII of this chapter).
- h. Stormwater as-built plan (development regulations, article XIV of this chapter).
- i. Performance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount \_\_\_\_\_.
- j. Maintenance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount \_\_\_\_\_.
- k. ~~Engineering Environmental Management~~ Department final inspection. (Call department to schedule.)
- l. ~~Master Erosion and Sedimentation Control plan. Submit a soil map indicating the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.~~

(59) Other considerations.

- a. An application may be submitted to the planning and zoning department for the board of commissioners' authorization of motorized cart use in the subdivision after recordation of the final plat (see chapter 26, motor vehicles and traffic and the home page [www.fayettecountyga.gov](http://www.fayettecountyga.gov) for application).
- b. A petition may be submitted to the environmental management department for the board of commissioners' authorization for the subdivision to become a street light district after recordation of the final plat (chapter 20, article II, pertaining to street lights).

(c) *The minor final plat.* The minor final plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements. Sheet design: The minor final plat and/or a revision to a recorded minor final plat shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches. The following shall be indicated on the minor final plat:

- (1) The title block shall state: "Minor Final Plat of \_\_\_\_\_" A revision to a minor final plat must state "Revised Minor Final Plat of \_\_\_\_\_" and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
- (2) Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).



- (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
- (4) Provide a legend for all abbreviations.
- (5) Provide an index of sheets if more than one sheet is provided.
- (6) Provide signature blocks for county approval: Environmental Health, Environmental Management, County Engineer/~~designee~~, Planning Commission Secretary/~~designee~~, Zoning Administrator/~~designee~~, and Fire Marshal/~~designee~~ (~~§ 5-2.3 of Subdivision Regulations~~).
- (7) Provide name, address, and telephone number of owner and/or developer.
- (8) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
- (9) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
- (10) Show exterior property lines with bearings and distances of subject property.
- (11) Provide zoning and property owner name and/or subdivision name of all adjacent properties.
- (12) Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
- (13) Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and minimum house size.
- (14) Provide total acreage of tract and total number of lots.
- (15) Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
- (16) All applicable zoning regulations shall be indicated on the minor final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see section 110-77 of the zoning ordinance).
- (17) Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
- (18) Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
- (19) Identify all existing structures and features and label as "to remain" or "to be removed." Structures to remain must be shown on individual lots and meet all applicable zoning requirements. "Features" include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.
- (20) Indicate the boundaries and area to 1/100 th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot."
- (21) Contiguous Areas. Provide the contiguous area of each lot to the 1/100 th acre on each lot or in a table. (See section 104-597(3))
- (22) Provide the following statements on the face of the plat.

#### OWNER'S CERTIFICATES

~~I/we, the undersigned, certify that as the legal owner/owners of the subject property, I/we hereby authorize the submittal of this Final Plat for the subdivision of my/our property.~~

Owner	Date	Mortgagee	Date
_____	_____	_____	_____
_____	_____	_____	_____

**(If property dedication is required provide the following statements on the face of the plat.)**

We, the undersigned owner(s) and/or mortgagee(s) of the \_\_\_\_\_ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court.

Owner	Date	Mortgagee	Date
_____	_____	_____	_____
_____	_____	_____	_____

### **~~LEVEL III SOIL SURVEY~~**

~~I, \_\_\_\_\_ (name) do hereby certify that the Level III Soil Survey information provided on the soil map was performed by I, \_\_\_\_\_ (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

~~Signature of Soil Classifier \_\_\_\_\_~~

~~Company Address & Telephone \_\_\_\_\_~~

~~Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer~~

~~Registration No.~~

~~Registration Numbers/License Numbers~~

\_\_\_\_\_

- (23) Georgia Rule. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- (24) Georgia Rule. Show the closure precision of the field survey. This may be stated as follows: "The field data upon which this map or plat is based has a closure precision of one foot in \_\_\_\_\_ feet, and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule."

If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.

- (25) Georgia rule. Show the closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet."
- (26) Georgia rule. For traditional survey equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.

When GPS equipment is used in performing the survey.

A note stating what portion (or all) of the survey was performed using GPS equipment.

Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used. Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.

A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the land surveyor.

- (27) Surveying provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
- (28) ~~Surveying street centerline curve data shall include the deflection angle (delta), radius, length and tangent.~~
- (29) Surveying lengths shall be expressed to the nearest one-hundredth (1/100th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.
- (30) Corner lots. Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections, including existing road intersections forming a portion of the parcel boundary being subdivided.
- (31) ~~Any new residential lots created on existing roadways, driveways must be shown to have required sight distance.~~ Prior to Minor Final Plat approval, the Engineer or Surveyor shall provide a Sight Distance Assessment form (available from Fayette County EMD) to the Fayette County Environmental Management Department for each proposed lot fronting an existing road. Fayette County will deny the creation of a new lot that can't meet minimum intersection sight distance requirements.
- (32) ~~Show all existing streets adjacent to property. Label road names, R/W widths. Provide R/W dedication, as needed.~~

The surveyor shall provide the following, minimum, information with respect to existing streets:

- As-built centerline and edge of pavement of all existing roads adjacent to the subject parcel(s).
- Existing cross drains and driveway culverts. Indicate direction of flow.
- Centerline and edge-of-pavement of intersecting roads.

- Existing utilities, to include waterline lines, meters, vaults, fire hydrants, power poles, guy wires, cable boxes, phone boxes, etc.
- Other improvements or structures within the existing and proposed right-of-way, such as fences, signs, driveways, etc.
- Existing right-of-way lines and existing right-of-way widths as measured from the subject parcels to road centerlines.
- Proposed right-of-way lines as determined by establishing a best-fit existing road centerline and then offsetting the centerline  $\frac{1}{2}$  the required right-of-way width. (The required right-of-way width shall be determined from the Fayette County Thoroughfare Plan and Development Regulations.) Indicate the distance from the centerline to the new right-of-way at the original boundary property lines and at one location close to the center of the lots being developed, as appropriate.

(33) Provide the following statements on the face of the plat.

#### SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: \_\_\_\_\_

GA Registered Land Surveyor - Signature and License Number Date

#### ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: \_\_\_\_\_

GA Professional Engineer - Signature and License Number Date

Plat Act.

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.

(34) Monuments. Show the location, material and description of all monuments.

(35) Monuments. Provide a permanent benchmark on site, per ~~§ 5-2-5~~ Sec. 104-598 of the Subdivision Regulations.



- (36) Easements. Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.
- (37) State waters. Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, **jurisdictional** wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters.
- (38) Watershed protection. Delineate watershed protection buffers and setbacks per Article VII of the development regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback." Show the 1,000-ft watershed protection impact boundary, if applicable.
- (39) Floodplain. Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated September 26, 2008)
- (40) Floodplain. Delineate and label all flood hazard areas (natural and manmade, **including cross drains**). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat.
- (41) Floodplain. Indicate the minimum finish floor elevation (MFFE) at least three feet above the 100-year flood elevation or one foot about the Future Flood Plain Conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a special flood hazard area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the development regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study."
- ~~(42) Wetlands delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. "Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization." Delineate any adjacent drainage easements, lake, ponds or stormwater management facilities, structures, and streams within 100 feet of boundary which may be impacted by development.~~
- (43) Stormwater Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.).
- (44) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.
- (45) Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects) **and provide a 20 foot access/maintenance easement to and around the cemetery.**
- (46) Include the following statement: "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."
- (47) **If required by the Environmental Management Department**, include the following statement on the face of the plat:

#### WETLAND DELINEATION

I,            (name) of            (organization) do hereby certify that I have field inspected the property known as            (subdivision name) on            (date) and determined that the property contains ☐ or does not contain ☐ jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

\_\_\_\_\_  
Signature of Wetland Delineator

<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div>Company Address &amp; Telephone</div>
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Or, if approved by the Environmental Management Department, include the following statement:  
 "Per the national wetlands inventory the site (does/does not) contain jurisdictional wetlands. Any jurisdictional wetlands on the site are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these jurisdictional wetland areas without proper authorization."

- (48) Provide a Master Erosion and Sedimentation Control plan.
- (49) Indicate and label the location of all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
- (50) Indicate and label the location of all water lines in the right-of way and include the following statement:

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/homebuilders expense and all applicable meter and availability fees shall also be applied. Water main taps shall be observed by Water System personnel with a 48 hour lead time - 770-461-1146 (option 5).

(NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)

- (d) *A minor revision to a final plat.* The minor revision to a final plat shall contain all the following requirements and certification statements, and any additional information required to address any state and/or federal requirements. The following shall be indicated on the minor revision to a final plat:
  - (1) The title block shall state: "Minor Revision to the (Major or Minor) Final Plat of \_\_\_\_\_".and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
  - (2) Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
  - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
  - (4) Provide a legend for all abbreviations.
  - (5) Provide an index of sheets if more than one sheet is provided.
  - (6) Provide signature blocks for County approval: Environmental Health, Environmental Management and Zoning Administrator/designee.
  - (7) Provide name, address, and telephone number of owner and/or developer.
  - (8) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
  - (9) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
  - (10) Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.

- (11) Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; minimum lot width at the building line and minimum floor area.
- (12) Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
- (13) Provide information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.
- (14) All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77). Show original property line as a dashed line and label "Original Property Line", as applicable.
- (15) Provide the square footage area and the acreage to the 1/100 th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
- (16) Identify all existing structures and features and label as "to remain" or "to be removed." Structures to remain must be shown on individual lots and meet all applicable zoning requirements. "Features" include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.
- (17) Contiguous Areas. Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See section 104-597(3))
- (18) Provide the following on the face of the plat:

I/we, the undersigned, certify that as the legal owner/owners of the subject property/properties, I/we hereby authorize the submittal of this revised Final Plat for my/our property/properties.

Owner	Date
_____	_____
_____	_____

- (19) Monuments. Show the location, material and description of all monuments.
- (20) Monuments. Provide a permanent benchmark on site, per Sec. 104-598 of the Subdivision Regulations.
- (21) State waters. Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, jurisdictional wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters.
- (22) Watershed protection. Delineate watershed protection buffers and setbacks per article VII of the development regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback." Show the 1,000-ft watershed protection impact boundary, if applicable.
- (23) Floodplain. Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
- (24) Floodplain. Delineate and label all flood hazard areas (natural and manmade), including cross drains. Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat.
- (25) Floodplain. Indicate the minimum finish floor elevation (MFFE) at least three ft above the 100-year flood elevation or one ft above the future flood plain conditions, whichever is greater, for

each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study."

- (26) Stormwater. Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project's inspection and maintenance agreement for stormwater management controls. Stormwater controls shall be on commonly owned property.
- (27) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.
- (28) Indicate the location of a cemetery (if applicable, see Fayette County Code, chapter 12, article VII. Cemeteries, burial grounds, human remains, and burial objects) and provide a 20' access/maintenance easement to and around the cemetery.
- (29) Include the following statement: "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."
- (30) If required by the Environmental Management Department, include the following statement on the face of the plat:

#### WETLAND DELINEATION

I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains (?) or does not contain (?) jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

Signature of Wetland Delineator \_\_\_\_\_

Company Address & Telephone \_\_\_\_\_

Or, if approved by the Environmental Management Department, include the following statement:  
 "Per the national wetlands inventory the site (does/does not) contain jurisdictional wetlands. Any jurisdictional wetlands on the site are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these jurisdictional wetland areas without proper authorization."

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-597. - Minimum standards.

The following design standards are in addition to applicable federal, state, and local ordinances, including, but not limited to: the county zoning ordinance, the county development regulations, and the county sign ordinance.

- (1) *Subdivision access.* Where the subdivision does not immediately access an existing public street (county or state owned and/or maintained), the subdivider shall provide access via a new public street or private street which complies with the minimum county standards to an existing public street. Any upgrades to existing public streets to provide adequate access to the subdivision shall be the responsibility of the subdivider. The county engineer or public works director shall determine if any necessary upgrades to the existing public streets are required prior to approving construction of the subdivision.



- (2) *Easements.* All easements shall be shown on the final plat and meet the following standards where applicable.
- Where possible, water lines shall be located outside the curb line on the west and south sides of streets; sewer and gas lines shall be on the east and north sides;
  - Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of 20 feet. The water system may require a greater width if determined necessary for maintenance or construction;
  - Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof; and
  - Drainage easements shall be provided as required in article XIV of this chapter.
- (3) *Contiguous areas for residential development.* Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

Zoning District	Minimum Contiguous Area (ac)
A-R	0.6
EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, & C-S	0.3

- (4) *Corporate limits.* Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line.
- (5) *Street layout and design.*
- Subdivision entrances and street length.* No street or portion of a street may provide access to more than 75 lots unless 1) a second means of access to the lots is provided by another street; or 2) a two-way divided road is used at the entrance and extended to all points within the subdivision until the number of lots being served is 75 or less. Amenity and common areas (e.g., green space) are excluded from the 75-lot limit. Of the two options, use of a second means of access is preferred and shall be provided unless it is determined not feasible by the county engineer due to the lack of adequate road frontage, limited sight distance, or significant environmental constraints.
  - Right-of-way.* Any two-way divided entrance/road shall have a minimum 80-foot right-of-way, two 16-foot travel lanes, curb and gutter, and an 18-foot wide landscape island. Additional specifications for the divided entrance may be found in the development regulations.
  - Corner lots.* Corner property lines at street intersections shall have chamfer corners with minimum chamfer distances of 20 feet in each direction (chamfering means to connect two, non-parallel property lines with a third beveled line). The purpose of the chamfer is to allow sufficient room within the right-of-way for utility placement and maintenance.
  - Curb radius.* The curb radius at street intersections within subdivisions shall be no less than 25 feet. Curb radius requirements for intersections with collectors or arterial streets are

dictated by the county development regulations and/or the state department of transportation.

- e. *Dead-end streets, half-street and alleys.* Dead-end streets, half-streets and alleys are prohibited. Temporary dead-end streets resulting from phased developments shall be constructed with a temporary turn-around.
  - f. *Elbows.* Elbows (i.e., a circular bump-out of the paved road) may be used in lieu of a horizontal curve for road alignment when the centerline tangents have an intersection angle between 90 and 120 degrees. The "elbow" portion of the intersection shall be designed with a paved radius of 42 feet (to back-of-curb) and a 60-foot right-of-way radius. Elbows are not considered cul-de-sacs with respect to required road frontage for subdivision lots.
  - g. *Intersections.* The center lines of no more than two streets shall intersect at any one point. Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less than 80 degrees. A tangent section no less than 50-feet long shall be placed between a centerline curve and the nearest right-of-way line of the street with which it intersects.
  - h. *Stub street.* Where it is necessary to provide a street for future connection to an adjacent property, such street shall be constructed in conjunction with the subdivision up to the property line creating a stub street. Said stub street shall be indicated on the preliminary plat and final plat and labeled "Temporary Stub Street." Connecting stub streets shall maintain the same name and be terminated with a temporary turnaround as necessary.
- (6) *Subdivision names.* A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous and internally connected by a street to the subdivision bearing the proposed name and with the same or more restrictive zoning. In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the planning commission. Whenever a new subdivision is permitted by the planning commission to share the name of a previously approved subdivision, such name shall be followed by the appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the planning commission under these provisions shall be numbered in sequence with Roman Numerals.
- (7) *Additional right-of-way.* If the subdivision boundary lies adjacent to the right-of-way line of an existing public street of less than minimum needed right-of-way width, as determined by the county thoroughfare plan, a minimum of one-half the required extra width shall be dedicated, at no cost, to the county by the subdivider.
- (8) *Provisions for public use.* In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use. Such land shall be located in accordance with the comprehensive plan. The acquisition of such land shall rest with the proper authority.

( [Ord. No. 2020-01](#) , § 1, 5-28-2020)

#### Sec. 104-598. - Minimum requirements.

- (a) *General.* The subdivider shall provide public improvements as required by all applicable county regulations, specifications, and requirements.
- (b) *Curbs and gutter.* The subdivider shall install curb and gutter and proper drainage as required by county specifications.
- (c) *Monuments.* The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.

- (d) *Water supply and sanitary sewerage.* Every lot within a proposed subdivision shall have an approved supply of adequate water and an approved sewage disposal system, as determined by the county water system and the environmental health county manager.
- (e) *Public water facilities.* Where public water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.

Number of Lots	Minimum Distance from Water Line *
6 or more	2,500 feet
For each additional lot after six, an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.	
*Measured along public right-of-way to closest point on property.	

Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the water system.

- (f) *Fire hydrants.* Standard fire hydrants will be provided at the spacing specified by chapter 12, Fire Prevention and Protection. Design standards shall be as specified by the American Water Works Association.
- (g) *Sanitary sewer.* When a public sewage disposal system is not available, the county environmental health department shall review the preliminary and final plat ~~(major or minor) of a subdivision~~ to determine the feasibility for individual on-site sewage disposal systems. After approval of the final plat ~~(major or minor) of the subdivision~~, on-site sewage disposal system permit applications must be submitted to the county environmental health department for each individual lot for review and approval. **Per the Environmental Health Department**, if the lots of a subdivision are to be served by individual subsurface wells, the on-site sewage disposal permit application must indicate the location of the well and on-site sewage disposal system. The subsurface well must be setback at least 100 feet from any on-site sewage disposal system and drainfields.
- (h) *Stormwater drainage.* The subdivider shall provide adequate stormwater drainage in accordance with all applicable county regulations and specifications.
- (i) *Grassing and erosion control.* Proper erosion control measures must be in place throughout the entire phase of construction and must also be in place prior to final plat approval. Permanent grass must also be established on all disturbed areas prior to final plat approval. However, proper temporary erosion control measures and performance bonds can be substituted for a permanent stand of grass during the final plat inspection.
- (j) *Approval of permits.* Building permits may be issued for a phase of a subdivision prior to the completion of the improvements in the entire subdivision, provided that the applicable departments approves the improvements in said phase and it is determined that the lots to be built upon are completely served by the improvements in the completed phase as if it were a separate subdivision.
- (k) *Utilities.* The subdivider shall provide all applicable utilities to the subdivision in accordance with all applicable county requirements. The utilities shall be located as specified by the development regulations. Power and water utilities must be installed, if available in the area, prior to final plat approval. All of the minimum improvements listed in this section of the article must be completed and inspected prior to final plat approval with the exceptions of the installation of utilities in nonresidential subdivisions.



( [Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-599. - Provisions for recording of final plats prior to completion of minimum improvements.

(a) *Performance bond or irrevocable letter of credit.* The following improvements shall be made after the recordation of a major final plat if a performance bond or irrevocable letter-of-credit is provided that meets the standards set hereafter.

- (1) Paving the top layer (top course) of asphalt on one or more roads within the subdivision; and/or
- (2) Meeting permanent stabilization requirements within the proposed right-of-way.

Other than those items listed above, all minimum improvements within the subdivision shall be completed and accepted in accordance with the approved construction plans, the county development regulations, and the subdivision regulations prior to the recordation of a final plat, acceptance shall be determined by the county engineer, the director of utilities, and the environmental management director based on a field inspection of the project and/or review of required submittals. Work to be completed after the recordation of a major final plat shall be guaranteed by either a performance bond or an irrevocable letter of credit and the documents shall be filed with the county engineer prior to his signature on the major final plat.

(b) *Criteria for performance bonds or irrevocable letter of credit for paving.* The amount of the bond or irrevocable letter-of-credit needed for paving shall be the sum of material, labor, equipment, and repair estimates, as determined by the county engineer, using the following guidelines:

- (1) Material costs equal 150 percent of current cost estimate for tack and asphalt;
- (2) Labor and equipment equals 20 percent of material costs; and
- (3) Repairs to binder and base equals 20 percent of material cost.

Additional costs shall be included for unusual circumstances. Performance bonds/irrevocable letters of credit for paving shall be considered only if coring of the asphalt binder and base, as required by the development regulations, demonstrate the work was completed per the approved construction plans and county standards. Paving work shall be completed within two years of recording the major final plat unless an extension is provided by the county engineer. The bonds/irrevocable letters of credit shall not be released until all repairs and paving work are done in accordance with the approved construction plans and the work is accepted by the county engineer.

(c) *Criteria for performance bonds for permanent stabilization.* The amount of the performance bond or irrevocable letter of credit needed for permanent stabilization shall be the sum of material, labor, equipment, and repair estimates, as determined by the environmental management department. At a minimum, the cost estimate shall include all best management practices required to bring the project into compliance with the approved soil erosion and sediment control plan. Additional costs may be included for unusual circumstances. Performance bonds/irrevocable letters of credit for stabilization will be considered only if the environmental management director determines that current weather patterns and the season make permanent stabilization infeasible at this time. Stabilization work shall be completed within one year of recording the major final plat. The performance bonds/irrevocable letters of credit shall not be released until all areas of concern are stabilized in accordance with the approved construction plans and the work is accepted by the environmental management director.

(d) *Conditions thereof.*

- (1) Performance bonds or irrevocable letters of credit delivered for the purpose of guaranteeing construction of minimum improvements pursuant to this section, shall be accepted by the county engineer provided that the subdivider, his heirs, successors and assigns, and their agents and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, will faithfully perform and complete the work of constructing and installing said facilities or improvements in accordance with these regulations. The subdivider will save the county from any unnecessary expense incurred through the failure of the subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and

installation as required by these regulations, and from any damage growing out of negligence in performing or failing to perform said construction and installation. Before acceptance of any performance bond or irrevocable letter-of-credit for paving, the county engineer may, at his direction, have the county attorney review said instrument. A bond shall be executed by a surety or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

- (2) Duration and release. Performance bonds and/or irrevocable letters of credit posted pursuant to the regulations shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted.
- (3) Default. If the construction or installation of any improvements or facilities for which a bond or irrevocable letter of credit is posted is not completed within three months after substantial completion of any building or structures which said improvements of facilities are designed to serve, or if said construction or installations not in accordance with the applicable specifications and requirements, the county may proceed to construct, install, or modify said improvements of facilities in accordance with the applicable specifications and requirements. In either the case of a bond or an irrevocable letter of credit, the county shall make whatever claims and/or drafts are necessary in order to obtain the funds necessary to so construct or install said improvements of facilities. The default provisions of this section, shall not apply when the governing body acts to permit the subdivider to remove his subdivision from the land records of the county in accordance with the provisions of these regulations.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-600. - Acceptance and guarantee of completed minimum improvements; completion.

The following requirements shall be satisfied prior to approval of the final plat by the applicable departments:

- (1) *Submittals.* The subdivider shall provide to the county all applicable submittals as required in the county's development regulations. A detailed list of the specific submittals and contact information for the applicable departments responsible for review and approval of each submittal is available from the county environmental management department.
- (2) *Final inspections.* Upon completion of all minimum improvements, the subdivider shall notify the departments listed on the final plat checklist and request a field inspection. The subdivider is responsible for correcting all deficiencies identified during the final inspections. Improvements shall not be accepted unless they conform to the approved construction plans and all applicable federal, state and local requirements (see forms for final plat checklist at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).
- (3) *Maintenance bond/irrevocable letter of credit.* The subdivider shall provide to the county engineer, a maintenance bond or an irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of the minimum improvements for a period of two years. For purposes of bond/irrevocable letter of credit determination, "minimum improvements" includes all materials and work within the proposed right-of-way plus any part of the storm sewer infrastructure serving the subdivision. This includes, but is not limited to: storm pipe, open ditches, headwalls, stormwater management ponds, etc. The subdivider shall be responsible for making any needed repairs to the road or other "minimum improvements" as defined above within the two-year bonding period. Notification of needed repairs may be provided by the county to the subdivider at any time during the bonding period. If the subdivider does not make the necessary repairs within 90 calendar days of said notification, the county engineer shall claim funds from the bond or irrevocable letter of credit to adequately reimburse the county for its cost associated with having the repairs made by a contractor or the appropriate county department. Regardless of project size, the minimum maintenance bond/irrevocable letter of credit is \$5,000.00. If a final plat becomes void, as may happen if not recorded into the county clerk of superior court records within 90 calendar days of approval by the planning commission, the existing maintenance

bond/irrevocable letter of credit is also void and a new maintenance bond/irrevocable letter of credit will be required prior to approval of the new final plat.

- (4) *Ownership.* Upon recordation of the final plat, subsequent to approval by the planning commission, the county shall accept ownership of any street right-of-way or other real property shown upon the final plat.
- (5) *Attorney review.* Before acceptance of any maintenance bond or irrevocable letter of credit, the county engineer may, at his direction, have the county attorney review said instrument. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

#### Sec. 104-601. - Violations and penalties.

##### (a) *Violations.*

- (1) It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in these regulations, except those parcels recorded prior to the effective date of these regulations.
- (2) It shall be unlawful to record a subdivision plat, or once recorded, to make any changes, with the exception of minor revisions to a recorded final plat, thereon whatsoever which have not been approved by the planning commission in accordance with the provisions of all applicable regulations.

- (b) *Penalties.* Any person or persons, firm or corporation or association of persons who shall knowingly divide and offer for sale any real estate in violation of the terms or provisions of this article shall, upon conviction therefore in state court, be punished as provided by this Code.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

#### Sec. 104-602. - Amendment.

The board of commissioners shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the county at least 15 calendar days prior to such meeting.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

#### Sec. 104-603. - Variance or appeal.

- (a) *Variance.* In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance to the subdivision regulations. A variance may be granted in an individual case upon a finding by the planning commission that all of the following criteria as applicable to the request exist:
  - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
  - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
  - (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and



- (4) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.
- (b) *Appeal*. A property owner may petition the planning commission for an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement of the subdivision regulations.
- (c) *Writ of certiorari (appeal)*. An appellant/petitioner has 30 calendar days from the date of the decision of the planning commission and/or board of commissioners to seek a "writ of certiorari" (appeal) with the superior court of the county.

( [Ord. No. 2020-01](#), § 1, 5-28-2020)

**THE FAYETTE COUNTY PLANNING COMMISSION** met on July 15, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Danny England, Chairman  
Arnold Martin, Vice-Chairman  
John H. Culbreth  
Brian Haren  
Jim Oliver

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Plan & Zoning Coordinator

### **1. Discussion of the Fayette County Subdivision Regulations.**

Pete Frisina said this is a discussion of the subdivision regulations and first we will discuss amendments recommended by the Environmental Health Department. He stated the subdivision regulations were previously amended to require that a level 3 soils map be put on a preliminary and final plats. He added that this was suggested by a local surveyor working with staff on the amendments in the hopes that soils would be taken into consideration when subdivisions were being designed. He said this is now creating a conflict with what the Environmental Health Department is requiring in terms of a soils study and staff is now recommending removing the soils requirement on preliminary and final plats.

Robert Kurbes said he is the Environmental Health County Manager and his department is responsible with enforcing the Georgia Department of Public Health's (DPH) on-site sewage management program. He added that his department reviews subdivisions in conjunction with the County's review process but his department also has a specific DPH subdivision review process the department has to follow which includes a level 3 soils study to determine lot suitability for septic. He stated that the level 3 soils study would include soils mapping as well as a data table with information on depth to groundwater, rock, or restrictions, anticipated percolation rates, or any other exclusionary zones we would need for our review to identify questionable lots. He said one of the local soil classifiers said he is uncomfortable signing the final plats as it could be a liability for him because it is a recorded document and can't be changed. He added that the problem has become with my review of the final plat for the County I am signing the plat signifying that these lots can be considered for septic system use but they would still need to submit the individual septic permits and subsequent soils information. He said the problem is mainly occurring with the smaller subdivisions and by putting that partial level 3 soils report on the plat, the developer/property owner was making the assumption that was going to get them through our department but we need the additional information in the data table. He stated we need the full soils report to our standards and removing the soils requirement from the preliminary and final plats would

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eliminate confusion and solve the issue for everyone involved.

Arnold Martin asked if there are risks to the County buy removing the soils requirement on the plats.

Robert Kurbes said including an incomplete soils report on a final plat could actually be a greater risk for the County.

Jim Oliver asked who has the final say on lots because in the past I have been told by your department that a lot is not good for septic. He stated I hire a soil scientist and he says the lot is good and I would bring this back to Rick Feher and he would say I don't care what the soils scientist says I say the lots are not good for septic. He asked who has the final say, Environmental Health or the soil scientist.

Robert Kurbes said this is one of the reasons the State went to a specific level 3 soils study by a Georgia certified soil classifier. He added that if the soil classifier says a soil type is present the department has to accept that finding. He said the department then designs the septic system needs based on the number of bedrooms.

Pete Frisina said to recap we are recommending eliminating the soils requirements on preliminary and final plats.

Chairman England asked procedurally will this change the Environmental Health's review of these plats.

Robert Kurbes said the department will still review and sign plats. He added that our approval of the plat does not say every lot is suitable because that is based on the individual permit for each lot to determine suitability using an individual level 3 soils study.

Bryan Keller said one thing that can happen is a builder strips all of the soil off of the top of the lots and then the level 3 soils on the final plat is nullified.

Arnold Martin asked if the cities require soils on their plats.

Robert Kurbes said the cities do not require soils on their plats.

Jim Oliver said he suggests allowing a designee be able to sign for a County official on these plats.

Pete Frisina said we can look into allowing a designee signature.

Jim Oliver said if the County is requiring some form of storm water control structure and sometime later there is a maintenance issue with a storm water control structure the County says it's not our responsibility but it is the responsibility of the lot owner or the

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residents of the subdivision. He added that not all subdivisions have an HOA.

Bryan Keller said since 2005 it has been a requirement for a subdivision with storm water control structures to have an HOA that is responsible for a storm water operations plan. He added that storm water control structures are not allowed on a homeowner's lot but has to be on a separate lot owned by the HOA. He stated subdivisions platted prior to 2005 had storm water control structures located on individual homeowner lots and technically those homeowners are responsible for the maintenance of those structures. He added that the Environmental Management Department will be recommending amendments to the Subdivision Regulations for review by the Planning Commission.

Arnold Martin asked how our regulations compare to other communities such as Coweta County and are these type regulations uniform.

Bryan Keller said soil and erosion control regulations are from a model ordinance for the metro area. He added that communities in the North Metro Planning District have to adopt six model ordinances but communities can adopt stricter regulations.



**THE FAYETTE COUNTY PLANNING COMMISSION** met on August 5, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Arnold Martin, Vice-Chairman  
John H. Culbreth  
Brian Haren  
Jim Oliver

**MEMBERS ABSENT:** Danny England, Chairman

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Plan & Zoning Coordinator

#### **4. Discussion of Fayette County Subdivision Regulations.**

Pete Frisina said he was going to highlight the changes made since the last meeting. He stated on page 5 he added that the Planning Commission can approve a Preliminary Plat with conditions. He added on page 6 under number 3 he is deleting the sentence stating that a preliminary Plat can be heard at a public hearing or workshop as we no longer categorized our meeting as such, so the sentence is not needed. He said on page 6 under g, per Environmental Management, a copy the approved Preliminary Plat and any approvals from Federal and State agencies must be submitted with the Construction Plans. He stated on page 6 under h concerning expiration of a Preliminary Plat the following is being added: "If at 24 months there is active construction on site, the subdivider may request in writing an extension not to exceed 12 months."

Bryan Keller said this is an option for a one time extension of the Preliminary Plat as long as the developer is actively constructing the road.

Pete Frisina said on page 7 under e he added that a Final Plat can be approved with conditions and under f that a digital file of an approved Final Plat must be submitted to Environmental Management. He stated on page 9 under i he added "designee" to the Zoning Administrator signature line. He added on page 10 the requirement for bearings on property lines adjacent property owner's names is being deleted and right of way that will be dedicated to the County be shown.

Randy Boyd said verifying sight distance on a plat is a lot of responsibility and liability for the surveyor because we have to make a lot of assumptions for the driveway location which is not in place at that time.

Bryan Keller said he agrees with Randy that there is some liability but the requirement is to make sure that the site distance can be met somewhere on the lot and that will be verified later when they come in for the driveway permit.

**Page 2**  
**August 5, 2021**  
**PC Meeting**

Jim Oliver asked when someone applies for a building permit do they also apply for the driveway permit at the same time.

Bryan Keller said the driveway permit is applied for before the building permit.

Randy Boyd said we need a standard where the surveyor shows a proposed driveway location on the plat with the assumptions for the basis of the sight distance certification.

Arnold Martina asked if there could be an addendum added to the driveway permit for the sight distance information.

Randy Boyd said but the surveyors aren't usually involved in the driveway permit.

Bryan Keller suggested that Randy Boyd come up with a statement that can be used for sight distance certification that staff can review for these amendments.

Pete Frisina asked Bryan Keller to discuss the changes to the wetland section of the checklist.

Bryan Keller said the Environmental Management Department will determine if a wetlands study needs to be done based on the particulars of the property being subdivided. Bryan Keller added that any adjacent drainage easements, lake, ponds or stormwater management facilities, structure, and streams within 100 feet of boundary which may be impacted by development must also be shown. He stated it will be required to maintain a 20 foot assess/maintenance easement around a cemetery. He said a Master Erosion and Sedimentation Control Plan will now be required for final plats.

Randy Boyd said he would like to see an alternative owner's acknowledgement for the Minor Final Plat as opposed to the statement now required because right of way is not always needed for a Minor Final Plat.

Bryan Keller suggested that we have two statements, one with right of way dedication and one where there is no right of way dedication.

Pete Frisina asked Randy Boyd to come up with a draft statement that staff can review for these amendments.

Randy Boyd said finding the centerline on an existing county road for a Minor Final Plat is difficult.

Bryan Keller said staff would give this some consideration.

Pete Frisina said on page 24 we are adding the checklist for a Minor Revision to a Final Plat to the Subdivision Regulations.

**Page 3**  
**August 5, 2021**  
**PC Meeting**

Bryan Keller said he would like to discuss showing the parent tract on a Minor Final Plat.

Randy Boyd said we been showing the parent tract on the vicinity map.

Pete Frisina said he had reviewed final plats from the past and that was the way they were handled. He added if you have a two hundred acre property and you were cutting out five acres they didn't show the full two hundred acres as part of the subdivision and also it is expensive to survey the whole two hundred acres.

Bryan Keller said the issue is how you know what you have left on the parent tract and now that the parent tract has been subdivided watershed protection would now apply and it is difficult for Environmental Management to keep up with that if it is not part on the final plat.

Randy Boyd said hopefully the GIS tax parcels should show the parcel has been subdivided and staff should catch it then.

Randy Boyd asked to reduce the staff review time on the second and third review periods for plats.

Jim Oliver said he feels we need to keep the Level 3 soils on the plats.

Randy Boyd said the soil classifiers feel uncomfortable signing a final plat because it goes on the public record and the soils could be changed if the subdivision or lot is mass graded. He added that Environmental Health requires a separate soils map which meets state standards be submitted to their office which is a duplication. He suggested to put a statement on the plat that the soils are on file in the Environmental Health Department.

Brian Haren asked why can't there be a statement on the plat that the soils are only representational.

Pete Frisina said he understands Robert Kurbes' point that he gets the argument that they have already done a Level 3 soils but it doesn't meet state standards. He added that staff will continue to work on the amendments for further discussion.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on August 19, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Danny England, Chairman  
Arnold Martin, Vice-Chairman  
John H. Culbreth  
Brian Haren  
Jim Oliver

**STAFF PRESENT:** Chanelle Blaine, Zoning Administrator  
Howard Johnson, Plan & Zoning Coordinator  
Peter A. Frisina, Director  
Phil Mallon, County Engineer

## **1. Discussion of Fayette County Subdivision Regulations**

Pete Frisina said first we will address the changes made based on discussions at the last meeting. He stated under Preliminary Plat, Major Final Plat and Minor Final Plat a sight certification statement will be required.

Phil Mallon said what we have been doing to ensure any new lot that is created has at least one area where the minimum sight distance can be met for a driveway and we want to stipulate this requirement in the regulations to make it clearer. He added this will require the surveyor to make a field measurement at a location and state that the lot can meet the required sight distance.

Jim Oliver questioned the requirement of a note that says “A note shall be added to the plat for lots requiring the clearing of vegetation to meet the minimum sight distance.” He said what if the vegetation grows back and there is an accident whose liable in that case.

Phil Mallon said good point but it is not uncommon in terms of a new lot to say based on the geometry of the road there is sight distance but vegetation in the County right-of-way prohibits the view.

Jim Oliver asked if the County has rules about keeping the right-of- way maintained.

Phil Mallon said the County does but the vegetation grows faster than the County can react. He stated that the intent is when a new driveway is proposed the staff double checks the sight distance and if there is vegetation in the right-of-way that obscures the view we will clear the vegetation.



**Page 2**  
**August 19, 2021**  
**PC Meeting**

Jim Oliver said I have an issue putting that statement on the Final Plat.

Pete Frisina asked at the time when a driveway permit is submitted and staff questions the sight distance do you ask a surveyor to come back out to verify sight distance if the driveway is in a different location?

Phil Mallon said his staff would measure the sight distance.

Jim Oliver said we need something that is more general because it sounds like we are saying the area needs to remain clear for sight distance in perpetuity.

Phil Mallon said the issue is for example, we have four proposed lots and we all agree they have sight distance if a bush was removed from the right-of-way, the County wouldn't have time to quickly respond so how do we advance the plat.

Jim Oliver said it needs to be tied to the time of the driveway permit. He added that this statement is on the Final Plat forever that the sight distance shall be maintained.

Phil Mallon said that wouldn't solve the problem if I was the surveyor signing the plat. He said I am trying to propose something where the surveyor can say from the geometry of the road sight distance can be met but the vegetation may need to be removed or maintained. He added that he does not want to create a liability for the surveyor.

Jim Oliver said we don't want to be in a situation where vegetation now obscures the sight distance and an accident happens and the person says I have called the County for years and they haven't cleared the vegetation in the right-of-way and it says on the plat that the right-of-way shall be maintained.

Pete Frisina said so what you are saying is from geometry standpoint, barring vegetation, sight distance can be met.

Phil Mallon said, right or wrong, surveyors have had issues with this and we have allowed them to add a note about the vegetation.

Arnold Martin said so in the certification paragraph could you add "inclusive of clearing the vegetation to meet the minimum sight distance."

Phil Mallon said instead of putting a note on the plat as part of our regulations saying the surveyor can assume with communication with the County that vegetation in the right-of-way will be removed to attain sight distance.

Chairman England said he thinks Jim brings up a good point that the Final Plat is a recorded legal document and do we need that type of note on the plat. He added driveway permit is related to the building permit.

**Page 3**  
**August 19, 2021**  
**PC Meeting**

Phil Mallon said Public Works gets the permit for the driveway prior to the building permit.

Jim Oliver says when you put a note on the Final Plat that can create issues.

Phil Mallon said I recommend we remove the last sentence reading: "A note shall be added to the plat for lots requiring the clearing of vegetation to meet the minimum sight distance."

Pete Frisina said on page 21 is an issue brought up by Randy Boyd and that is on a Minor Final Plat having a property owner's certification stating they are authorizing the submittal of the final plat. He added that if the dedication of right-of-way is needed they would add the following statement: "We, the undersigned owner(s) and/or mortgagee(s) of the \_\_\_\_\_ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court." He said on page 26 for a minor revision to a final plat we will add a similar property owner's certification stating they are authorizing the submittal of the revised final plat.

Jim Oliver said on page 9 under "i" where it says "the zoning administrator shall contact the any other applicable departments for their input" the "shall" should be changed to "may."

Pete Frisina said we can make that change. He added for Preliminary Plats, Major Final Plats and Minor Final Plats, this was also mentioned by Randy Boyd, and that is to have a standard statement for the water system. He said the statement is as follows: "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/homebuilders expense and all applicable meter and availability fees shall also be applied. Water main taps shall be observed by Water System personnel with a 48 hour lead time - 770-461-1146 (option 5)." He said on page 16 #32 is another suggestion by Randy Boyd and that is to specify that on new streets street centerline curve data shall include the deflection angle (delta), radius, length and tangent shall be shown. He added that Randy Boyd had stated this is difficult to do on an existing County road. He said on page 17 #37, in association, the statement is clarified to specify the provision of right-of-way on existing streets.

Phil Mallon said the surveyor should show an as-built of the existing centerline and edge of pavement on an existing County road. He stated this could be worded to require that existing roads be shown with field measured centerline and edge of pavement.

Jim Oliver said I would like to get the input of some of the surveyors on that.

**Page 4**  
**August 19, 2021**  
**PC Meeting**

Phil Mallon said he would talk to some of the surveyors to get input.

Pete Frisina suggested moving forward with public hearings and getting input from some surveyors. He added that if at the public hearing there are still questions we can table the item.

It was the consensus of the Planning Commission to move ahead with the public hearing.

Pete Frisina said an Environmental Management storm water statement is being deleted from the requirements of a Minor Revision to a Final Plat because this statement is on the original final plat doesn't apply for the revision.

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 2, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Danny England, Chairman  
Arnold Martin, Vice-Chairman  
John H. Culbreth  
Brian Haren  
Jim Oliver

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Plan & Zoning Coordinator  
Phil Mallon, County Engineer  
Bryan Keller, Director of Environmental Management

### **PUBLIC HEARING**

#### **1. Consideration of Amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations.**

Brian Haren returned to the meeting.

Pete Frisina said on page 12, number 27, the following list of items has been added:

The surveyor shall provide the following, minimum, information with respect to existing and/or proposed streets:

- As-built centerline and edge of pavement of all existing roads adjacent to the subject parcel(s).
- Existing cross drains and driveway culverts. Indicate direction of flow.
- Centerline and edge-of-pavement of intersecting roads.
- Existing utilities, to include waterline lines, meters, vaults, fire hydrants, power poles, guy wires, cable boxes, phone boxes, etc.
- Other improvements or structures within the existing and proposed right-of-way, such as fences, signs, etc.
- Existing right-of-way lines and existing right-of-way widths as measured from the subject parcels to road centerlines.
- Proposed right-of-way lines as determined by establishing a best-fit existing road centerline and then offsetting the centerline  $\frac{1}{2}$  the required right-of-way width. (The required right-of-way width shall be determined from the Fayette County Thoroughfare Plan and Development Regulations.) Indicate the distance from



**Page 2**  
**September 2, 2021**  
**PC Meeting**

the centerline to the new right-of-way at the original boundary property lines and at one location close to the center of the lots being developed, as appropriate.

Phil Mallon said this list comes from suggestions made by surveyors.

Jim Oliver suggested adding “driveways” to the fifth bullet.

Phil Mallon suggested deleting the first sentence, “Any new residential lots created on existing roadways, driveways must be shown to have required sight distance.” in number 31 on page 12. He said the amendments to number 31 comes from suggestions made by local surveyors of having to put a statement for sight distance on a final plat which is a legal document and instead we will require a sight distance assessment form be uploaded with the final plat.

Randy Boyd agreed with the amendment. He added that the contraction “can’t” in this section be changed to “cannot”.

Pete Frisina said on page 13, number 45 it was suggested by Bryan Keller that this is not needed as it is redundant with number 46.

Randy Boyd said number 44 on page 13 concerning cemeteries needs to same easement statement, “provide a 20 foot access/maintenance easement to and around the cemetery” to be consistent with other requirements in the Subdivision Regulations. He added in number 46 it should read “national wetlands inventory.”

Pete Frisina said on page 18, number 49 on and page 25, number 42 is the same wetlands statement we discussed previously so it will be deleted as it is redundant to number 54 on page 19.

Bryan Keller asked Randy Boyd if he was alright with number 55 on page 19 which states: “Delineate any adjacent drainage easements, lake, ponds or stormwater management facilities, structure, and streams within 100 feet of boundary which may be impacted by development.”

Randy Boyd said he was in agreement with the requirement.

Chairman England asked if there was anyone that is in favor of the amendments. Hearing none he asked if there was anyone in opposition of the amendments. Hearing none he said he would entertain a motion.

Arnold Martin made a motion to recommend approval of the amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations. John Culbreth seconded the motion. The motion passed 5-0.

# COUNTY AGENDA REQUEST

Page 101 of 129

Department: Environmental Mgt/2017 SPLOST

Presenter(s): Bryan Keller, Director

Meeting Date: Thursday, September 23, 2021

Type of Request: Consent #5

## Wording for the Agenda:

Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 223 Cedar Trail Culvert Replacement Project (19SBI).

## Background/History/Details:

The project consists of the removal of the deteriorated 48-inch corrugated metal pipe beneath Cedar Trail. This pipe is damaged beyond repair and has exceeded its serviceable life. The failing system will be replaced with 48-inch reinforced concrete pipe. Construction plans are in final design.

This agenda items helps provide the appropriate basis from which the land acquisition activities can be concluded.

## What action are you seeking from the Board of Commissioners?

Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 223 Cedar Trail Culvert Replacement Project (19SBI).

## If this item requires funding, please describe:

Funding is available from the 2017 SPLOST; Stormwater; Category II, Tier II Project: 223 Cedar Trail Culvert Replacement Project (19SBI) account 322 40320 - \$28,461.52.

Has this request been considered within the past two years?

No

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

No

Backup Provided with Request?

Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Yes

Reviewed by Legal

Approved by Purchasing

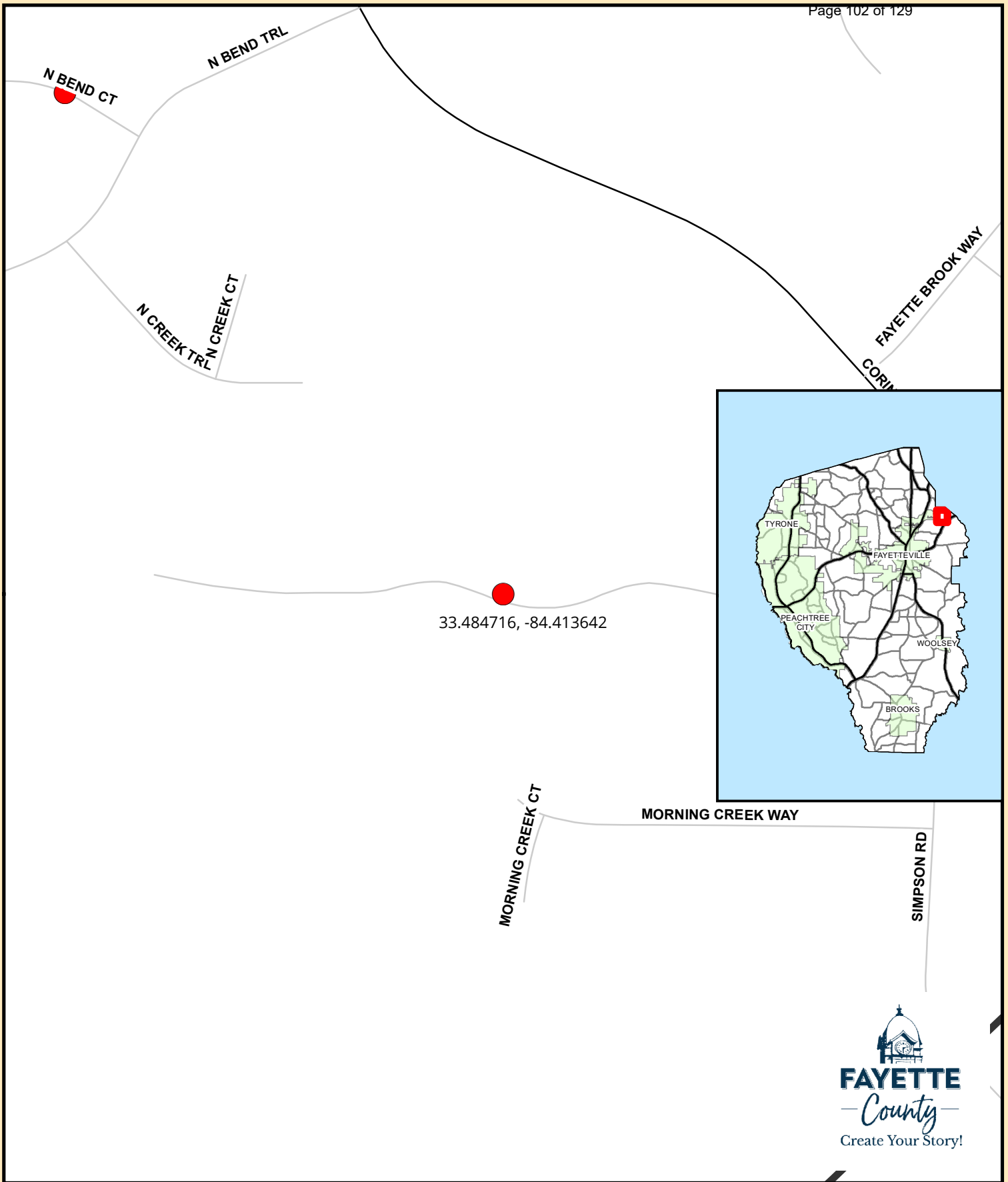
Not Applicable

County Clerk's Approval

Yes

Administrator's Approval

## Staff Notes:



● Project Location

Fayette County 2017 SPLOST  
223 Cedar Trail- 19SBI  
Stormwater Culvert Replacement



FILE NAME: X:\FY19\1903691\002 - Cedar Trail 223 Culvert Replacement\04\_CAD\EASEMENT-EXHIBIT.dwg PLOTTED: Friday, August 13, 2021

D  
C  
B  
A

1

2

3

4

5

Page 103 of 129

LEGEND:

POC POINT OF COMMENCE  
POB POINT OF BEGINNING  
P/L PROPERTY LINE  
R/W EXISTING RIGHT OF WAY

GENERAL SHEET NOTES

- NO RESEARCH OF FIELD LOCATION HAS BEEN PREPARED, BY POND.
- LAND SURVEY REFERENCE: TOPOGRAPHIC SURVEY, CEDAR TRAIL FOR FAYETTE COUNTY, PREPARED BY : GEOSURVEY, LTD., DATED 04/09/2019.

Parcel 1 Proposed Temporary Easement - Line Table		
Line #	Length	Direction
L1	1.43'	N72° 54' 37"W
L2	4.17'	N70° 47' 34"W
L3	17.66'	N19° 36' 40"E
L4	38.41'	S73° 05' 19"E
L16	17.72'	S16° 48' 04"W
L17	4.69'	N74° 51' 58"W

Parcel 1 Proposed Temporary Easement - Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	29.00'	508.47'	3.27	S72° 58' 06"E	28.99'

Parcel 2 Proposed Temporary Easement - Line Table		
Line #	Length	Direction
L8	3.74'	S75° 47' 26"E
L9	19.16'	S15° 40' 58"W
L10	39.73'	N78° 33' 03"W
L11	22.46'	N11° 26' 57"E
L12	5.03'	S72° 04' 18"E
L13	16.89'	S11° 26' 57"W
L14	31.35'	S78° 33' 03"E
L15	14.33'	N15° 40' 58"E

Parcel 2 Proposed Permanent Easement - Line Table		
Line #	Length	Direction
L5	14.33'	S15° 40' 58"W
L6	31.35'	N78° 33' 03"W
L7	16.89'	N11° 26' 57"E

Parcel 2 Proposed Permanent Easement - Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C3	32.51'	570.26'	3.27	S73° 57' 49"E	32.51'

#223  
N/F PROPERTY OF  
**MICHAEL W. FOSTER**  
DEED BOOK 481 / PAGE 248  
LOT 12 ~ PLAT BOOK 8 / PAGE 103  
PARCEL ID: 054002003

PARCEL 2  
PROPOSED PERMANENT  
EASEMENT  
492.65 SQ FT  
0.01 ACRES

PARCEL 2  
PROPOSED TEMPORARY  
CONSTRUCTION EASEMENT  
338.69 SQ FT  
0.01 ACRES

#220  
N/F PROPERTY OF  
**RICKEY E PHILLIPS**  
DEED BOOK 3050 / PAGE 559  
LOT 23 & 24 ~ CEDAR TREE S/D,  
PLAT BOOK 9 / PAGE 160  
PARCEL ID: 054002015

#221  
N/F PROPERTY OF  
**PAMELA A. GLASS**  
DEED BOOK 3707 / PAGE 93  
LOT 11 ~ CEDAR TREE S/D,  
PLAT BOOK 8 / PAGE 103  
PARCEL ID: 054002002

**A1** EASEMENT EXHIBIT A  
SCALE: 1" = 10'

0 5' 10' 20' 30'



Know what's below.  
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Or Call 800-282-7411

**CEDAR TRAIL  
CULVERT REPLACEMENT**  
FAYETTE COUNTY, GA. 30214  
EASEMENT EXHIBIT A

SHEET  
IDENTIFICATION  
**E-101**

**FAYETTE COUNTY**

140 STONEWALL AVE W, SUITE 203,  
FAYETTEVILLE, GA. 30214

**POND**  
550 Parkway Lane, Suite 500  
Fayetteville, GA 30830  
Phone: (878) 335-7740  
Fax: (878) 335-7741  
POND E-101 (2/1/2019) 11/29/2019

DESIGNED BY: DM  
DWN BY: ABC  
SUBMITTED BY: DM  
FILE NAME: E-101  
SIZE: 22' x 34'  
PLOT SCALE:  
PLOT DATE:

DATE: AUGUST 13, 2021  
SOLICITATION NO.:  
CONTRACT NO.:  
FILE NUMBER:

MARK  
COUNTY COMMENTS  
DESCRIPTION  
1  
08/07/2020  
DATE  
APPR.

MARK	COUNTY COMMENTS	DESCRIPTION	DATE	APPR.
1			08/07/2020	

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100% DESIGN SUBMITTAL

E-101





**Photo 1:** Upstream end of culvert.



**Photo 2:** Downstream end of culvert looking North towards Cedar Trail.

## Cedar Trail

**Photo Date:**

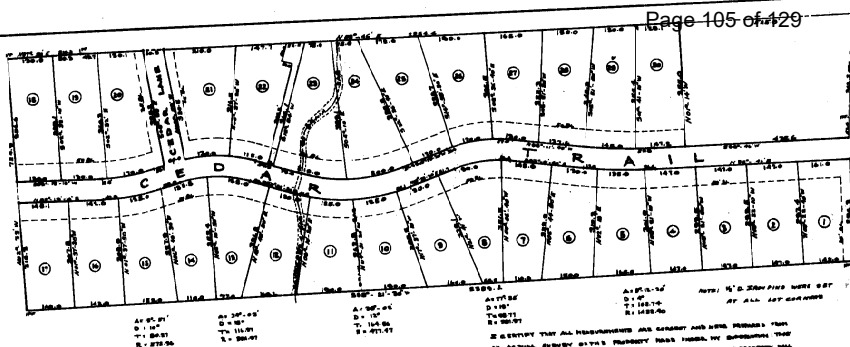
1/21/2016

**Taken By:**

David Gibbs

**Page**

1



ARTICLE  
D-10  
T-100.74  
R-100.74

A-100.74  
D-10  
T-100.74  
R-100.74

NOTE: 1/2" D. STAKES WERE SET  
AT ALL LOT CORNERS

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND HAVE BEEN MADE FROM  
AN ACTUAL SURVEY OF THE PROPERTY HEREIN BY SUBDIVISION. THAT  
SURVEYORS LOCATED ARE CORRECTLY SHOWN, AND THAT THE PROPERTY WILL  
BEHAVE AS SHOWN.

DATED THIS 10th DAY OF SEP 1974  
SIGNED Lum C. Hall SURV. GA. 1050

RECORDED IN THE OFFICE OF THE CLERK OF COURSE  
THIS 10th DAY OF SEP 1974  
I HAVE BEEN IN PLAT BOOK 9 PAGE 86

CLERK OF THE COURT

CEDAR TREE SUBDIVISION

LL 101/103 8TH DIST  
SCALE 1"=200'

DAYETTE CO.  
JAN 21, 1974

SURVEY BY  
LUM C. HALL & ASSOC.

THREEBARS

000001A

APPROVALS  
DATE March 18, 74 BY WE [Signature]  
COUNTY CLERK

WE, THE UNDERSIGNED OWNERS AND OR  
HOLDERS OF CEDAR TREE SUBDIVISION  
HEREBY OFFER TO SUBMIT AND A RECORD  
FOR PUBLIC USE, THE RIGHT-OF-WAY, EASEMENTS  
AND OTHER RIGHTS TO BE SHOWN IN THIS PLAT.

DATE SEP BY \_\_\_\_\_ PUBLIC HEARS  
DATE SEP BY \_\_\_\_\_ PLANNING COMMISSION

OWNER Lum C. Hall DATE SEP 10, 1974 NOTARIZED  
BY Jay C. [Signature]

See Revised Plat, Lots 8, 9, 10,  
Plat Book 9 Page 86

# COUNTY AGENDA REQUEST

Page 106 of 129

Department: Environmental Mgt/2017 SPLOST

Presenter(s): Bryan Keller, Director

Meeting Date: Thursday, September 23, 2021

Type of Request: Consent #6

## Wording for the Agenda:

Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 120 Shoal Creek Road culvert replacement project (19SBN).

## Background/History/Details:

The project consists of the removal of the deteriorated triple 96-inch corrugated metal pipes under Shoal Creek Road. This system is damaged beyond repair and has exceeded its serviceable life. The failing system will be replaced with a triple 9-ft x 9-ft and a single 9-ft x 5-ft concrete reinforced concrete box. Construction plans are in final design.

This agenda items helps provide the appropriate basis from which the land acquisition activities can be concluded.

## What action are you seeking from the Board of Commissioners?

Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST Stormwater Category II, Tier II project: 120 Shoal Creek Road culvert replacement project (19SBN).

## If this item requires funding, please describe:

Funding is available from the 2017 SPLOST; Stormwater; Category II, Tier II Project: 120 Shoal Creek Road (19SBN) account - \$324,212.07.

Has this request been considered within the past two years?

No

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

No

Backup Provided with Request?

Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Yes

Reviewed by Legal

Approved by Purchasing

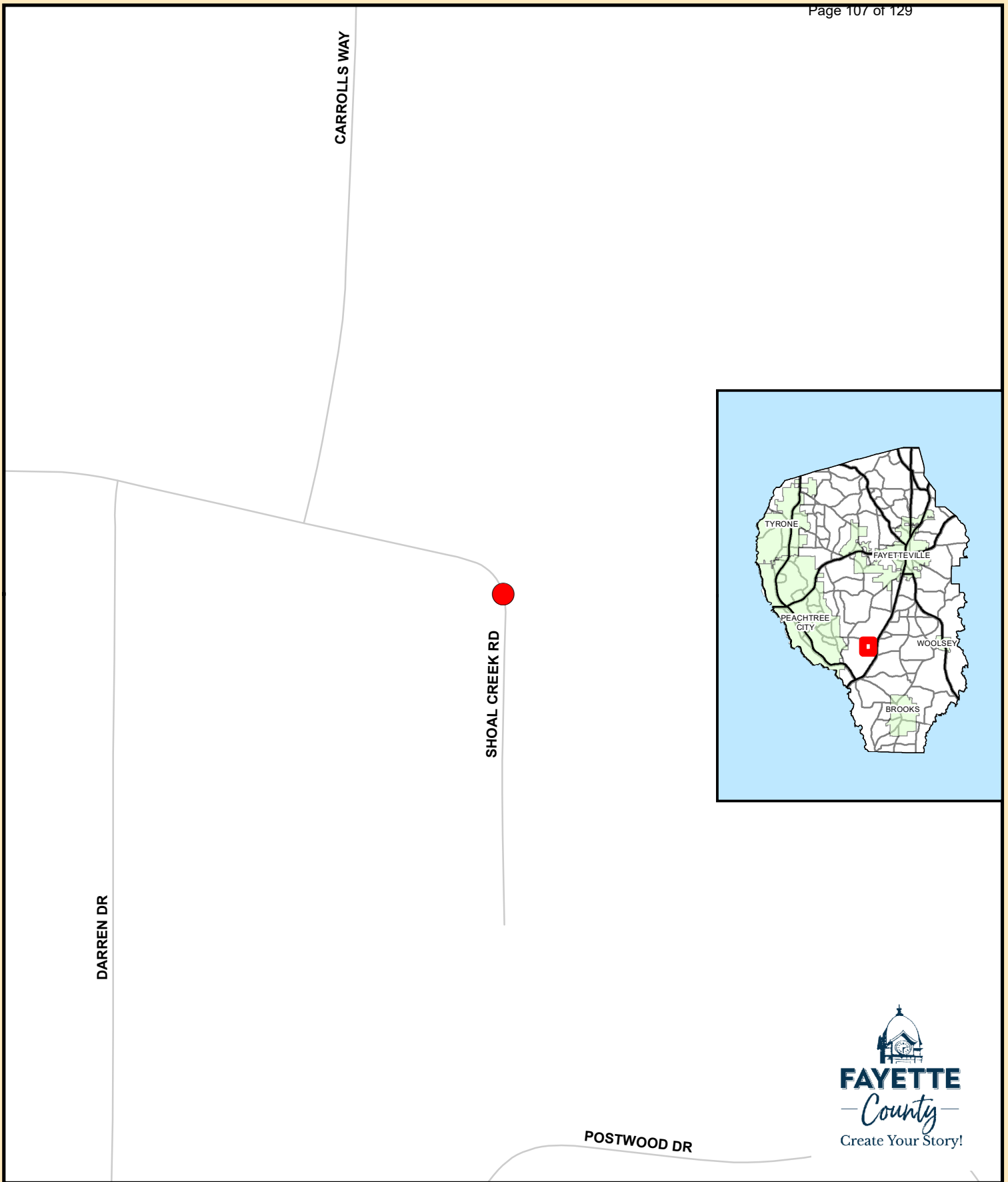
Not Applicable

County Clerk's Approval

Yes

Administrator's Approval

## Staff Notes:



● Project Location

Fayette County 2017 SPLOST  
120 Shoal Creek Road- 19SBN  
Stormwater Culvert Replacement







SCALE: 1" = 10'

811

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DESIGNED BY:	PS	DATE:	AUG 13, 2021
DWN BY:	ABC	SOLICITATION NO.:	-
SUBMITTED BY:	FAH	CONTRACT NO.:	-
FILE NAME:	EA05MENT EXHIBIT	FILE NUMBER:	1190389
SIZE:	PLOT SCALE:	PLOT DATE:	

**FAYETTE COUNTY**  
140 STONEWALL AVE W, SUITE 203,

**SHOAL CREEK ROAD  
CULVERT REPLACEMENT**  
LAND LOT 194, 4TH DISTRICT  
FAYETTE COUNTY, GA. 30214

EASEMENT EXHIBIT A

SHEET  
IDENTIFICATION  
**E-101**





**Photo 3:**



**Photo 4:**

120 Shoal Creek Road

**Photo Date:**

5/21/2013

**Taken By:**

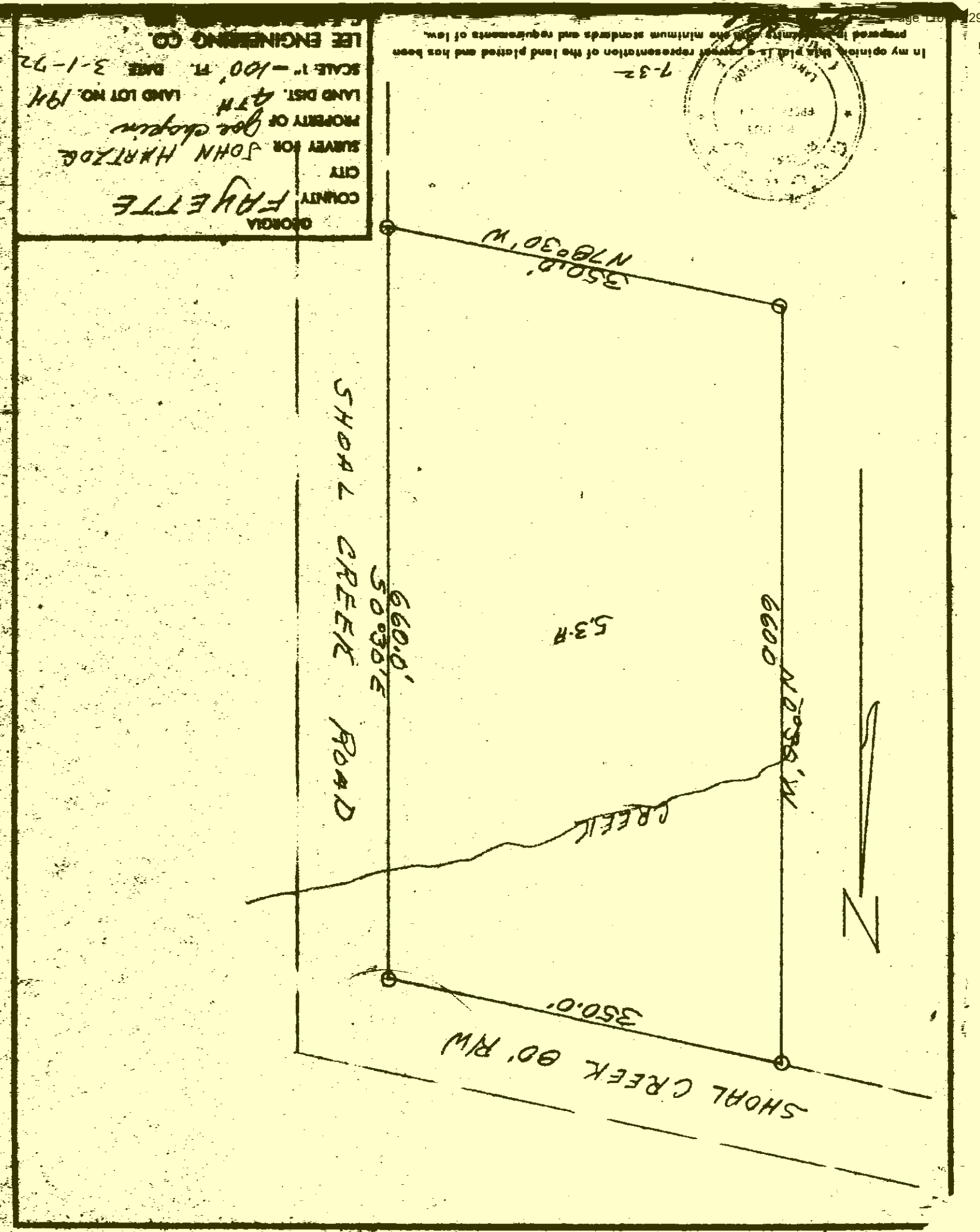
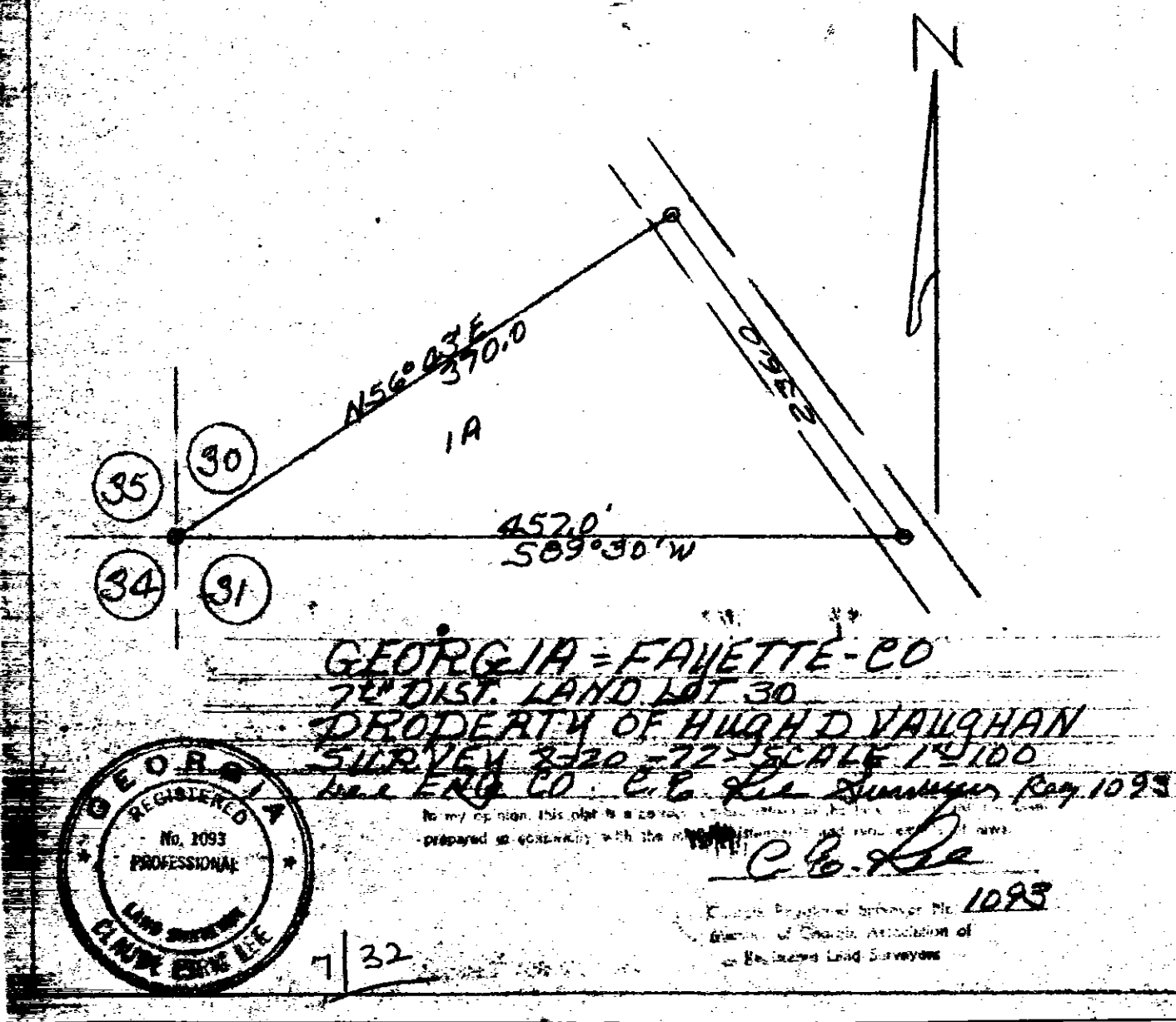
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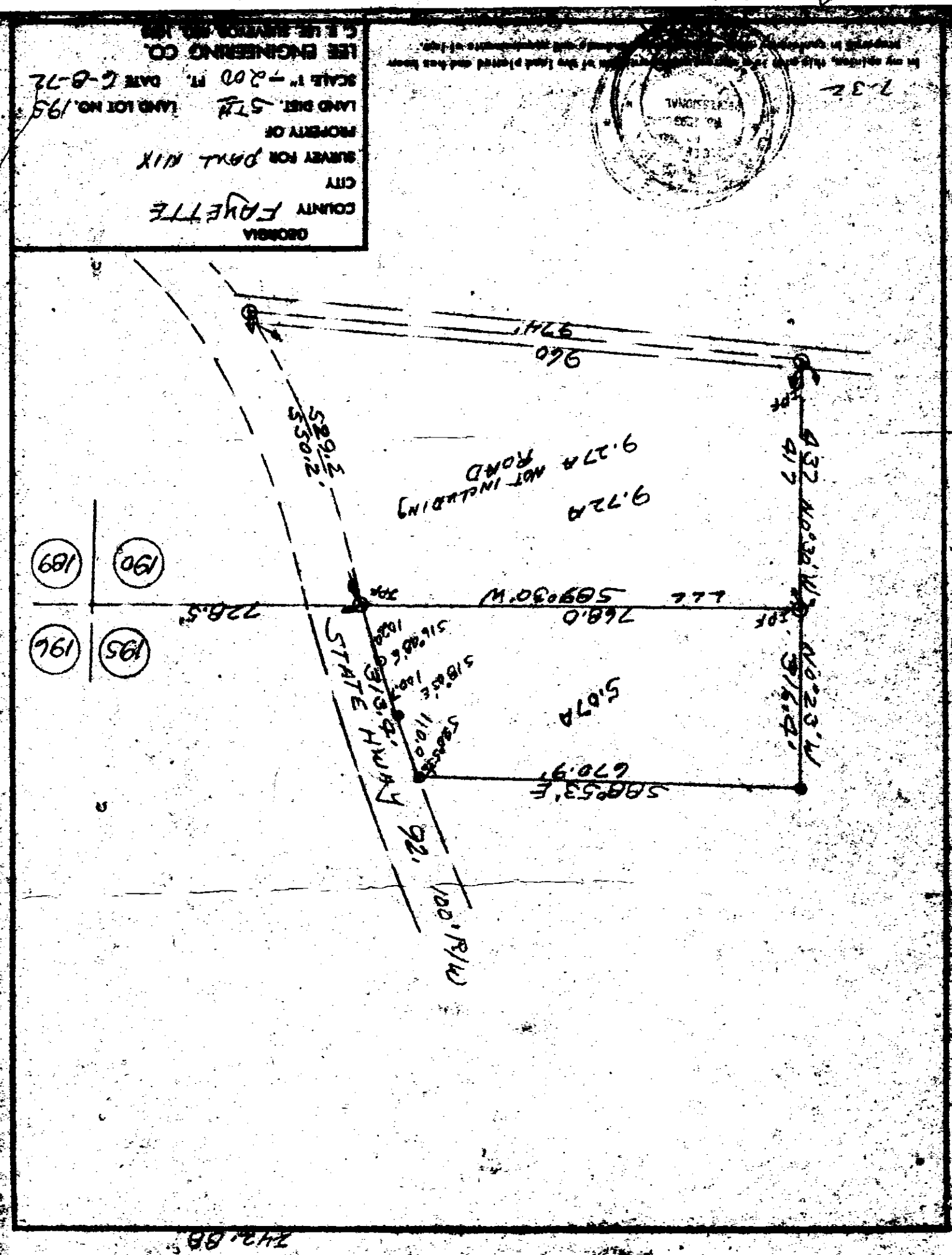
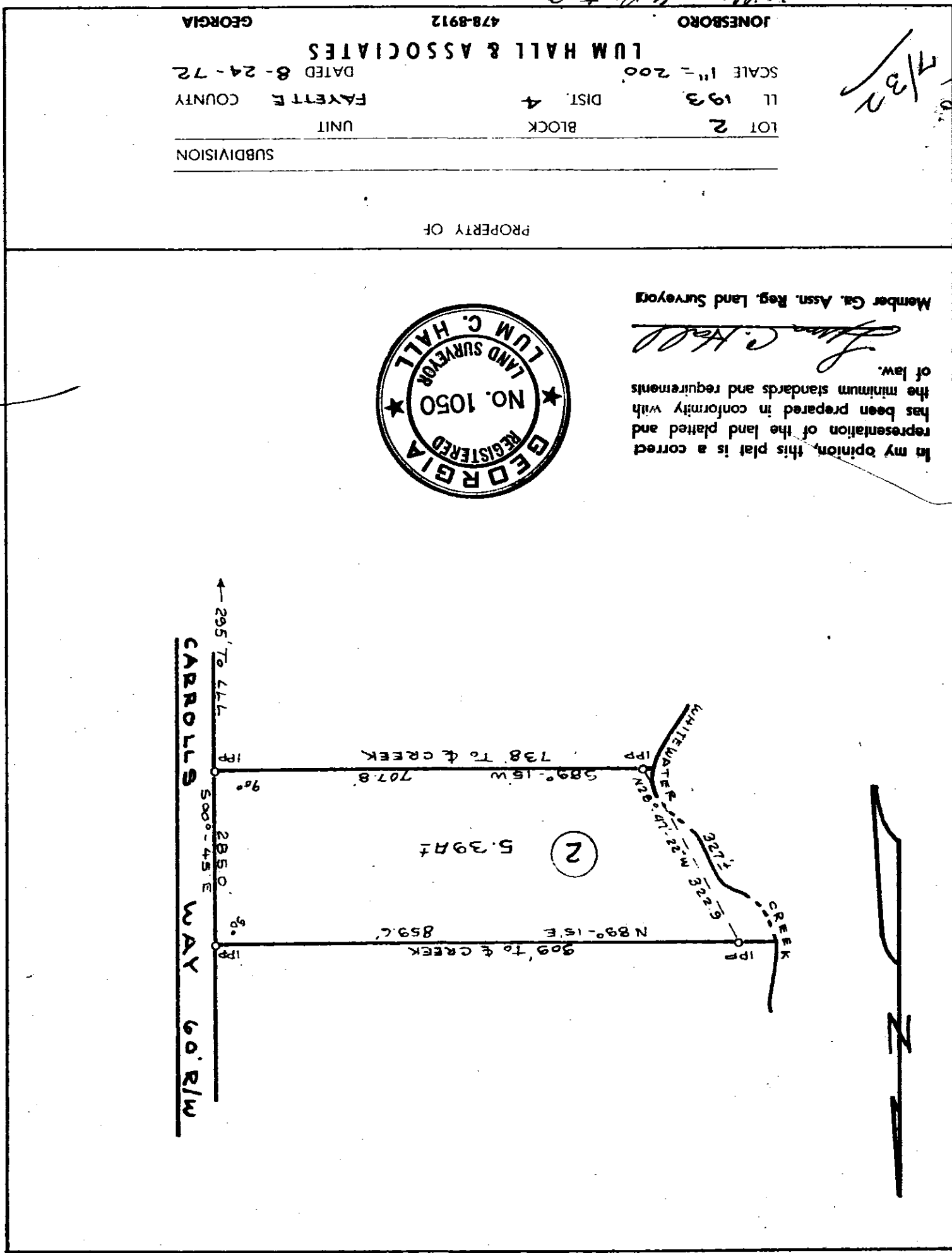
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Recorded August 22, 1972 W.A. Ballard, Clerk



Recorded 8-5-1972, W.A. Ballard, Clerk



# COUNTY AGENDA REQUEST

Page 111 of 129

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of Amendment # 3 to Contract #1813-S:Sages Networks, Inc. for cloud based plan review, permitting and mobile inspections and two read-only licenses for the Water System for a one-time charge of \$44,000 and on-going annual cost of \$30,068 for a total \$74,068.00 amendment cost for fiscal year 2022.

## Background/History/Details:

The contract consists of professional services, functional support, two plan reviewer license upgrades, mobile inspection license, permit tech license, and two read-only licenses for Water Systems. It also adds two permit tech licenses and virtual inspection maintenance support for Building Safety.

Contract Amendment #1 added a SagesGov Plan Reviewer license and associated Bluebeam Revu Standard Maintenance for the Water Department. Amendment #2 added Bluebeam Revu Standard Maintenance for a Plan Reviewer license for Zoning.

## What action are you seeking from the Board of Commissioners?

Approval of Amendment # 3 to Contract #1813-S:Sages Networks, Inc. for cloud based plan review, permitting and mobile inspections and two read-only licenses for the Water System for a one-time charge of \$44,000 and on-going annual cost of \$30,068 for a total \$74,068.00 amendment cost for fiscal year 2022.

## If this item requires funding, please describe:

A mid-year adjustment for Water Systems is required for licenses of \$21,312 which is included in the Fiscal Year 2022 total of \$74,068 and the annual ongoing cost of \$30,068.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:





**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess *TB*

Through: Ted Crumbley *TC*

Date: September 23, 2021

Subject: Contract #1813-S: Sage Networks, Inc.  
 Amendment 3: Cloud Based Plan Review, Permitting, & Mobile Inspections

On January 28, 2016 the Board of Commissioners awarded Contract #1016-P to Sages Networks, Inc. to automate the plan review and markup management processes for issuing building permits. On January 26, 2017 the Board approved additions of permitting, inspections, enforcement, interactive voice response (IVR), and credit modules. The project included migration of existing data from the old EnerGov Solutions system to the new SagesGov system, and discontinuance of EnerGov Solutions.

On August 27, 2020 the Board of Commissioners awarded a new professional services contract, #1813-S, to Sages for a five-year total cost of \$449,236.00. The new contract has an initial term of five years, and an option to renew for one additional five-year term.

Contract Amendment #1 added a SagesGov Plan Reviewer license and associated Bluebeam Revu Standard Maintenance for the Water Department. Amendment #2 adds Bluebeam Revu Standard Maintenance for a Plan Reviewer license for Zoning.

Amendment # 3 adds functional support, two plan reviewer license upgrades, mobile inspector license, permit tech license, and two read-only licenses for the Water System. It adds two permit tech licenses for the Department of Building Safety. Financially, this totals one-time charges of \$44,000.00 and on-going annual costs of \$30,068.00 for a Fiscal Year 2022 increase of \$74,068.00.

Specifics of the proposed contract amendment are as follows:

<b>Contract Name</b>	1813-S: SagesGov Plan Review, Permitting & Inspection Software
<b>Amendment</b>	#3: Cloud Based Plan Review, Permitting, & Mobile Inspections
<b>Contractor</b>	Sages Networks, Inc.
<b>Type of Contract</b>	Professional service – Software as a Service

<b>Contract Amount:</b>	<u>FY 2022</u>	<u>5 Year Term</u>
Current Thru Amendment 2	\$79,168.00	\$459,076.00
Amendment #3	<u>74,068.00</u>	<u>147,840.00</u>
Amended Total	\$153,236.00	\$606,916.00

**FY 2022 Budget & Contracted Expense Detail:**

	<b>Water System</b>	<b>Bldg. Safety</b>	<b>Total</b>
Org Code	507	37570210	
Object	11761	542410	
Project	22WSA	187AB	
FY 2022 Contract Amount:			
Current FY 2022 Amount	\$1,848.00	\$77,320.00	\$79,168.00
<b>This Amendment</b>	<b><u>65,312.00</u></b>	<b><u>8,756.00</u></b>	<b><u>74,068.00</u></b>
Amended FY 2022 Total	\$67,160.00	\$86,076.00	\$153,236.00
FY 2022 Budget:			
Currently Available	\$44,000.00	\$76,510.44	\$120,510.44
Mid-Year Adjustment	<u>21,312.00</u>	<u>-0-</u>	<u>21,312.00</u>
<b>Available for This Amendment</b>	<b>\$65,312.00</b>	<b>\$76,510.44</b>	<b>\$141,822.44</b>

Water System has \$44,000.00 in the budget for professional services and subscriptions setup. The \$21,312.00 for additional charges will be included in the mid-year budget adjustment.

**CONTRACT #1813-S**  
**SagesGov Plan Review, Permitting & Inspection Software**  
 Status Through Amendment #3

	# Users		First Five-Year Term										
			FY 21			FY 22				FY23	FY24	FY25	Total
	Initial	Amend 1	Amend 2	Total	Initial	Amend 3	Total						
A. ANNUAL PAYMENT													
Licenses & Maintenance													
Plan Reviewer License / Bluebeam Revu	5	(2)	3	6,912.00	1,728.00	-	8,640.00	8,640.00	-	8,640.00	8,640.00	8,640.00	43,200.00
Permit Tech License	6	3	9	5,184.00	-	-	5,184.00	10,368.00	5,184.00	15,552.00	15,552.00	15,552.00	67,392.00
Mobile Inspector License	4	1	5	4,800.00	-	-	4,800.00	4,800.00	1,200.00	6,000.00	6,000.00	6,000.00	28,800.00
Plan Rev, Permit Tech, Mobile Insp. License	14	3	17	40,320.00	-	-	40,320.00	40,320.00	5,184.00	45,504.00	45,504.00	45,504.00	222,336.00
SagesGov read-only license	1	2	3	600.00	-	-	600.00	600.00	1,200.00	1,800.00	1,800.00	1,800.00	7,800.00
Maint: Bluebeam Revu Standard	19		19	1,920.00	120.00	120.00	2,160.00	2,280.00	-	2,280.00	2,280.00	2,280.00	11,280.00
Maint: Bluebeam Revu eXtreme	1		1	160.00	-	-	160.00	160.00	-	160.00	160.00	160.00	800.00
Maint: Virtual Inspection integration	-	1	1	-	-	-	-	-	2,300.00	2,300.00	2,300.00	2,300.00	9,200.00
Virtual Inspection subscription	-	1	1	-	-	-	-	-	3,000.00	3,000.00	3,000.00	3,000.00	12,000.00
TOTAL ANNUAL PAYMENT	50	9	59	59,896.00	1,848.00	120.00	61,864.00	67,168.00	18,068.00	85,236.00	85,236.00	85,236.00	402,808.00
B. SEMI-ANNUAL PAYMENT													
Functional Support - max 5 hours / month <sup>(A)</sup>				12,000.00	-	-	12,000.00	12,000.00	12,000.00	24,000.00	24,000.00	24,000.00	108,000.00
C. ONE-TIME PAYMENTS													
Completion of Data Migration				4,108.00	-	-	4,108.00	-	-	-	-	-	4,108.00
Dashboard for DBS (FY 2021 CIP #217AA) <sup>(B)</sup>				48,000.00	-	-	48,000.00	-	-	-	-	-	48,000.00
Setup workflow processes, forms, alerts, etc - Water System				-	-	-	-	-	27,000.00	27,000.00	-	-	27,000.00
Training: SagesGov & Bluebeam Revu - Water System				-	-	-	-	-	1,000.00	1,000.00	-	-	1,000.00
Integration of GIS, Munis, ACI, etc. - Water System				-	-	-	-	-	16,000.00	16,000.00	-	-	16,000.00
Total One-Time Payments				52,108.00	-	-	52,108.00	-	44,000.00	44,000.00	-	-	96,108.00
TOTAL CONTRACT				124,004.00	1,848.00	120.00	125,972.00	79,168.00	74,068.00	153,236.00	109,236.00	109,236.00	606,916.00

**ADDITIONAL WORK - HOURLY FEES**

5-50 Hours	\$225
51-100 Hours	200
101-150 Hours	175
151 Hours & Up	150

- (A) Payments of \$6,000 every six months (mid-year & end-of-year) - flat fee.  
 (B) Paid upon completion & acceptance of the dashboard.

**BOARD OF COUNTY COMMISSIONERS**

Lee Hearn, Chairman  
Edward Gibbons, Vice Chairman  
Eric K. Maxwell  
Charles W. Oddo  
Charles D. Rousseau

**FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**Minutes**

September 9, 2021

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

**Call to Order**

Chairman Lee Hearn called the September 9, 2021 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

**Invocation and Pledge of Allegiance by Commissioner Eric Maxwell**

Commissioner Eric Maxwell offered the Invocation and led the Board and audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Vice Chairman Edward Gibbons moved to accept the agenda as written. Commissioner Charles Oddo seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:****PUBLIC HEARING:****PUBLIC COMMENT:****CONSENT AGENDA:**

Vice Chairman Gibbons moved to accept the Consent Agenda as written. Commissioner Oddo seconded. The motion passed 5-0.

1. Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2021, and authorization to adjust and close capital projects, moving remaining funds to project contingency.
2. Approval for staff to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST; Stormwater; Category II, Tier II Project: 110 Mark Lane Culvert Replacement (19SBK).
3. Approval for staff to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST; Stormwater; Category II, Tier II Project: 130 Matthew Way Culvert Replacement (19SBL).
4. Approval of the August 26, 2021 Board of Commissioners Meeting Minutes.

**OLD BUSINESS:**



**NEW BUSINESS:**

**5. Consideration of staff's recommendation to not object to the Peachtree City annexation of Longboat Subdivision and O-I properties on SR 54 West and the rezoning of said properties to R-43 and O-I.**

Community Development Director Pete Frisina stated that staff recommendation was not to object to the Peachtree City annexation of Longboat Subdivision and O-I properties on SR 54 West and the rezoning of said properties to R-43 and O-I. Mr. Frisina stated that this request would not create any material burden on the County, because infrastructure was already in place and the County would continue to provide water to the properties. He stated that there was no intensity or land use changes associated with the request.

Chairman Hearn asked what the underlined purpose of the annexation was.

Mr. Frisina stated that there had been some issues between the Kimber Lakes subdivision and the neighboring office complex regarding the half connection roadway into Peachtree City. Peachtree City advised that they were willing to help with the issues but only if the properties were "part of the city not part of the county", hence the annexation request.

Vice Chairman Gibbons moved to not object to the Peachtree City annexation of Longboat Subdivision and O-I properties on SR 54 West and the rezoning of said properties to R-43 and O-I. Commissioner Oddo seconded. The motion passed 5-0.

**6. Consideration of the Zoning Board of Appeals Selection Committee's recommendation to appoint Anita Davis to the Zoning Board of Appeals to an unexpired term beginning January 1, 2019 and expiring December 31, 2021 and the subsequent term beginning January 1, 2022 and expiring December 31, 2024, as allowed per county Policy 100.19; Board Appointment.**

Commissioner Oddo moved to approve to appoint Anita Davis to the Zoning Board of Appeals to an unexpired term beginning January 1, 2019 and expiring December 31, 2021 and the subsequent term beginning January 1, 2022 and expiring December 31, 2024, as allowed per county Policy 100.19; Board Appointment. Vice Chairman Gibbons seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

County Administrator Steve Rapson advised that an updated "Hot Projects" list was sent out via email to the Board with the status of various projects throughout the county. He highlighted the Kenwood Road culvert replacement, Brockton Court Culvert Replacement, Brogdon Road and New Hope Road roundabout, Silverleaf Drive culvert replacement Patricia Lane culvert replacement, and the Pleasant Hill culvert replacement.

Mr. Rapson advised the Board that a selection committee was needed for the Board of Assessors.

Commissioner Oddo moved to appoint Vice Chairman Gibbons and Commissioner Maxwell to serve on the selection committee for the Board of Assessors. Commissioner Rousseau seconded. The motion passed 5-0.

Mr. Rapson also advised the Board that a selection committee was needed for the Fayette County Board of Health.

Commissioner Maxwell moved to appoint Vice Chairman Gibbons and Commissioner Oddo to serve on the selection committee for the Fayette County Board of Health. Vice Chairman Gibbons seconded. The motion passed 5-0.

Mr. Rapson advised the Board that a Redistricting Public Hearing had been scheduled for October 14, 2021. He stated that this Public Hearing would provide the Board, as well as citizens, with a status update of redistricting efforts and allow for public input.

**ATTORNEY'S REPORTS:** None

**COMMISSIONERS' REPORTS:**

**Commissioner Gibbons**

Vice Chairman Gibbons stated that on Sunday, September 12<sup>th</sup> Drake Field would be hosting an Italian American Festival. He added that his Roman Reenactment group would be performing, suited in full armor gear.

**Commissioner Maxwell**

Commissioner Maxwell stated that in light of the upcoming Redistricting Public Hearing, knowing it was a topic of interest within the community, he would encourage the Board to continue to advise the public and to mention it again at the next meeting. He stated that he would also suggest adding a notice of this Public Hearing to the website. Commissioner Maxwell stated that his goal was to ensure citizens were aware of the upcoming Redistricting Public Hearing encouraging engagement and input.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the August 26, 2021 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The September 9, 2021 Board of Commissioners meeting adjourned at 7:43 p.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23<sup>rd</sup> day of September 2021. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk

# COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 23, 2021

Type of Request: New Business #9

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Tannisha Cohen-Green for tax year 2018 and 2019 in the aggregated amount of \$158.78.

## Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve this tax refund request for tax years 2018 and 2019.

## What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refund, as requested by Tannisha Cohen-Green for tax year 2018 and 2019 in the aggregated amount of \$158.78.

## If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal Yes

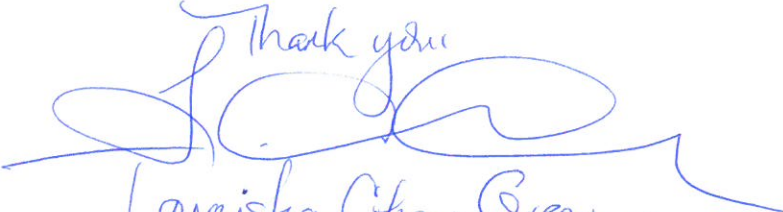
Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

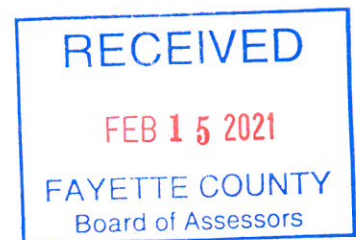
## Staff Notes:

I, Tannisha Cohen-Green, of 145 North Morning Dove Fayetteville, GA did not receive my Homestead Exemption for the years 2018 and 2019. Due to my name being changed to my married name. Please refund ~~my~~ the money owed from not receiving my homestead.

Thank you  
  
 Tannisha Cohen-Green  
 (404) 353-8628  
 Parcel: 05-1701-010



Has lived in  
 home since  
 9/2007





LAW OFFICES  
**McNALLY, FOX, GRANT & DAVENPORT**

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

WILLIAM R. McNALLY  
 PATRICK J. FOX  
 PHILIP P. GRANT  
 DENNIS A. DAVENPORT  
 PATRICK A. STOUGH  
 MEREDITH F. McCLURE

TELEPHONE: (770) 461-2223  
 FACSIMILE: (770) 719-4832  
 (770) 461-5863

MAILING ADDRESS:  
 POST OFFICE BOX 849  
 FAYETTEVILLE, GA 30214-0849

# MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C. *E. Allison Dwyer Cox*

Date: September 7, 2021

Re: Tax Refund Request – Ms. Tannisha Cohen-Green

On February 18, 2021 the Board of Commissioners received a request for a refund of local property taxes paid by Ms. Tannisha Cohen-Green.

On September 28, 2007, Ms. Tannisha Cohen acquired her residence at 145 North Morning Dove in Peachtree City. On January 9, 2017 a deed was filed in the Fayette County Deed Record transferring title from Ms. Tannisha Cohen to Ms. Tannisha Cohen-Green.

She applied for and received a homestead exemption on the property as Ms. Tannisha Cohen. She received that exemption through tax year 2016. In 2016, Ms. Tannisha Cohen married and became Ms. Tannisha Cohen-Green. On January 9, 2017 a Warranty Deed transferring property at 145 North Morning Dove Drive in Fayetteville from Ms. Tannisha Cohen to Ms. Tannisha Cohen-Green was filed. Said deed specifically mentioned the change in marital status. This filing triggered a change in ownership notification to the Fayette County Tax Assessors office. Any change in ownership will cause an automatic removal of all exemptions. The homestead exemption was removed.

This taxpayer has maintained all elements required for receipt of a homestead exemption. Her change in marital status did not eliminate alter her ownership of the property. However, the 2017 deed filing still triggered an automatic removal of exemption. This was done in error. All elements necessary to receipt of homestead exemption were met by Ms. Cohen-Green for all tax years.

The refund provisions operate to return taxes that have been assessed and collected in error or illegally. The removal of this homestead was an error, triggered by a deed filing. This error caused an increase in assessment and collection of taxes. A refund of this increase is recommended.

The only tax years impacted by the error are 2019 and 2018. The error was corrected for 2020 and future tax years. The recommended refund for the overpayment is set forth below.

TAX YEAR	AMOUNT	RECOMMENDED ACTION
2018	\$79.64	Approval
2019	\$79.14	Approval
Total recommended refund = \$158.78		

# COUNTY AGENDA REQUEST

Page 121 of 129

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 23, 2021

Type of Request: New Business #10

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Charles Lindsay for tax year 2018, 2019 and 2020 in the aggregated amount of \$237.15.

## Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve this tax refund request for tax years 2018, 2019 and 2020.

## What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refund, as requested by Charles Lindsay, for tax year 2018, 2019 and 2020 in the aggregated amount of \$237.15.

## If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

February 10, 2021

Tax Assessor's Office  
140 Stonewall Ave. W Suite 108  
Fayetteville, GA 30214



RE: Homestead Exemption, Parcel 074317008

I recently visited the Property Tax office to apply for my senior discount. While there it was discovered that my Homestead Exemption requested on March 10, 2017 had never been applied to my tax assessment. The clerk taking my application spoke with Robin Sharp about this oversight. Would you please address this multi-year overpayment on my taxes?

Thank you,

A handwritten signature in blue ink that reads 'Charles Lindsay'. The signature is fluid and cursive.

Charles Lindsay  
130 Kenmare Row  
Tyrone, GA 30290

A small, handwritten mark or signature in blue ink, possibly a stylized 'L' or a small flourish.



LAW OFFICES  
**McNALLY, FOX, GRANT & DAVENPORT**

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 E. ALLISON IVEY COX

TELEPHONE: (770) 461-2223

FACSIMILE: (770) 719-4832  
 (770) 461-5863

### MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C. *E. Allison Ivey Cox*

Date: September 7, 2021

Re: Tax Refund Request – Lindsay

On February 18, 2021, Mr. Charles Lindsay submitted a request for partial refund of taxes paid in 2017, 2018, 2019 and 2020. Based upon his discovery of an absence of homestead exemption from his tax statement.

Ms. Renee Lindsay resides with Mr. Charles Lindsay at 130 Kenmare Row at property they have owned as joint tenants since July 15, 2016. Ms. Renee Lindsay applied for a homestead exemption on March 10, 2017. At that time, she was found to qualify for the exemption. However, the exemption was not applied to the tax bill.

Ms. Lindsay was found to be eligible for the exemption in 2017 but, an error caused a failure in its application. The refund provisions operate to return taxes that have been assessed and collected either in error or illegally. The failure to apply this exemption was merely an error. The absence of the exemption led to an increase in tax liability for 2017, 2018, 2019 and 2020. The error has been corrected for all future tax years. Approval of the requested refund is recommended for 2018, 2019, and 2020. However, the refund is recommended for denial for tax year 2017. It is time barred by the 3-year statute of limitations.

TAX YEAR	AMOUNT	RECOMMENDATION
2017	\$80.23	DENY
2018	\$79.64	APPROVAL
2019	\$79.14	APPROVAL
2020	\$78.37	APPROVAL
<b>TOTAL RECOMMENDED REFUND = \$237.15</b>		



# COUNTY AGENDA REQUEST

Page 124 of 129

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, September 23, 2021

Type of Request: New Business #11

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Joe Moore for tax year 2018, 2019 and 2020 in the aggregated amount of \$1,359.13.

## Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve this tax refund request for tax years 2018, 2019 and 2020.

## What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refund, as requested by Joe Moore for tax year 2018, 2019 and 2020 in the aggregated amount of \$1,359.13.

## If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



I would like to appeal the  
Finished Square Footage listed  
for my basement, what you have  
on record and what I've been  
paying tax on is different. Therefore,  
I would like to request a refund  
for excess tax that I've paid.

Property address:

602 Four Winds Pointe, Peachtree City,  
GA 30269

Thank You

JOE MOORE

404-790-9541

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LAW OFFICES  
**McNALLY, FOX, GRANT & DAVENPORT**

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

WILLIAM R. McNALLY  
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 FAYETTEVILLE, GA 30214-0849

## MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C. *William Doyle*

Date: September 7, 2021

Re: Tax Refund Request – Moore

Mr. Joe Moore has requested a refund of taxes assessed against his residence at 602 Four Winds Point in Peachtree City, Georgia on January 21, 2021. The refund involves tax collected over the course of the last three tax years.

In an effort to refinance his residence, this taxpayer ordered an appraisal. The appraisal revealed a discrepancy between the square footage of the residence as reported by the tax assessors' office and the square footage found by the appraiser. Mr. Moore forwarded a copy of the appraisal to the assessor's office. After review, the assessors discovered an error with the finished basement square footage and sent a staff appraiser to the property for re-measurement. The visit revealed a finished basement area at 1,367 square feet. The property record card had the finished basement area listed at 2,000 square feet.

The resulting difference in the value of the home is \$42,400 in 2018; \$85,500 for 2019; and \$88,500 for 2020. The difference in each of the above years represents the value that was erroneously over assessed for taxation. Taxes on these values were timely paid in each year.

A refund of the property taxes paid on basement square footage that was not present in the Moore home is recommended. The assessment and collection of taxes on this portion of the Moore residence was erroneous. The correction of this sort of error, found in the record of assessment and discovered after payment of taxes, is precisely the relief the refund provisions were crafted to provide. The refunds recommended for assessment on excess finished basement square footage in this home are set forth below for tax years 2018, 2019 and 2020.

Year	Amount	Recommendation
2018	\$ 504.34	Approve
2019	\$ 541.81	Approve
2020	\$ 312.98	Approve

**TOTAL RECOMMENDED REFUND      \$1,359.13**

# COUNTY AGENDA REQUEST

Page 127 of 129

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Eddy Tan for tax year 2018, 2019 and 2020 in the aggregated amount of \$3,463.08.

## Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve this tax refund request for tax years 2018, 2019 and 2020.

## What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refund, as requested by Eddy Tan for tax year 2018, 2019 and 2020 in the aggregated amount of \$3,463.08.

## If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:





May 28, 2021

Fayette County BOC Administration Building,  
140 Stonewall Ave West, Suite 800,  
Fayetteville, GA 30214

Attention: Denise West (Residential Property)  
RE: Refund on the Property Taxes for the past 4 years

Dear Ms. West,

I am writing this letter to inform your office that I am requesting for a refund for the overpayment of our property tax for the past 4 years. Our property tax was assessed incorrectly by your office from the date of its purchase in December, 2016.

Mr. Travis Rogers from your office came to our house last May 25, 2021 to measure our house. He informed me that the actual living space square footage is 3,717. On your tax assessment's public record, it says that our property is measured 5,670 square feet (indicated in 2017, 2018, 2019, 2020 & 2021 assessment reports).

Please see the first 3 pages of the original Appraisal report that we obtained in 2016 for your reference (included in this letter).

I am requesting that my tax assessment be adjusted according to the provided information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eddy Tan'.

Eddy Tan  
420 E.A.'s Way  
Fayetteville, GA 30215

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## MEMORANDUM

To: Fayette County Board of Commissioners *E. Allison Dwyer*

From: McNally, Fox, Grant & Davenport, P.C.

Date: September 7, 2021

Re: Tax Refund Request – Tan

On May 28, 2021, Mr. Eddy Tan has requested a refund of taxes assessed against his residence at 420 E.A's Way in Fayetteville, Georgia for the last four tax years.

Mr. Tan acquired his Fayetteville residence in December 2016. In refinancing the home in the Spring of 2021, he ordered an appraisal of the residence. The appraisal revealed a discrepancy between the square footage of the residence as reported by the assessors' office and the square footage found by the appraiser. Mr. Tan requested a site visit by the assessors in order to resolve the discrepancy. The May 25, 2021, visit revealed a residential area of 3,717 square feet. The property record card had the area listed at 5,670 square feet.

The resulting difference in the value of the home is \$91,100 in 2018; \$103,900 for 2019; and \$107,300 for 2020. The difference in each of the above years represents the value that was erroneously over assessed for taxation. Taxes on these values were timely paid in each year.

A refund of the property taxes paid on residential square footage that was not present in the Tan home is recommended. The assessment and collection of taxes on this portion of Mr. Tan's residence was erroneous. The correction of this sort of error is precisely the relief the refund provisions were crafted to provide. The refunds recommended for assessment on excess residential square footage are set forth below for tax years 2018, 2019 and 2020. The refund requested for 2017 is recommended for denial as it is time barred by a 3-year statute of limitations on refund of local ad valorem property tax.

Year	Amount	Recommendation
2017	0	Deny
2018	\$ 1,055.96	Approve
2019	\$ 1,190.65	Approve
2020	\$ 1,216.47	Approve

**TOTAL RECOMMENDED REFUND      \$3,463.08**