

**BOARD MEMBERS**

John H. Culbreth, Sr., Chairman
Danny England, Vice-Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

STAFF

Peter A. Frisina, Director
Chanelle N. Blaine, Zoning Administrator
Howard Johnson, P & Z Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 2, 2020
7:00 pm

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

1. Consideration of Minutes of the Planning Commission meeting held on June 18, 2020.

PUBLIC HEARING

2. Consideration of a Final Plat of Keith Logan. The property will consist of two (2) lots zoned R-40, is located in Land Lot 132 of the 5th District and fronts on Hood Avenue.
3. Consideration of Petition No. 1291-20, Michael W. Harp, Owner, and Mark McCullough, Agent, request to rezone 3.005 acres from A-R to R-85 to develop one single-family residential lot. The subject property is located in Land Lot 247 of the 4th District and fronts on Goza Road.
4. Consideration of Petition No. RP-076-20, William T. Murphy and Richard E. Carne, Owners, and Steven L. Jones, Agent, request to revise the Final Plats (Phases One and Two) of Bay Chappell Farms Subdivision to add property to Bay Chappell Farms Subdivision, create an additional lot in Bay Chappell Farms Subdivision, and change the principal use on a lot labeled Recreational Area (Bay Chappell Farms Phase Two) to residential use. This petition is associated with Rezoning 1292-20. This property is located in Land Lot 167 of the 4th District and fronts on Stable Creek Road.
5. Consideration of Petition No. 1292-20, William T. Murphy, Owner, and Steven L. Jones, Agent, request to rezone 10.00 acres from A-R to R-72 to add property to the Bay Chappell Farms Subdivision. This petition is associated with RP-076-20. This property is located in Land Lot 167 of the 4th District and fronts on Chappell Road.

This Public Hearing will be live-streamed at:

<https://livestream.com/accounts/4819394?query=fayette%20county&cat=account>

The call-in number of 770-305-5277 is provided for those who would like to make public comment during this Public Hearing.

To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: June 30, 2020
Subject: Final Plat to be considered on July 2, 2020

FINAL PLAT

Final Plat for Keith Logan

OWNER/APPLICANT

Keith & Rhonda Logan

Recommend **APPROVAL** for the Final Plat signed July 1, 2020.

REQUESTED ACTION: A-R to R-85

PROPOSED USE: Rural Residential

EXISTING USE: Agricultural

LOCATION: Goza Road

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 247

OWNER: Michael W. Harp

AGENT: Mark McCullough

PLANNING COMMISSION PUBLIC HEARING: July 2, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: July 23, 2020

APPLICANT'S INTENT

Applicant proposes to develop one (1) lot of 3.005 acres.

STAFF RECOMMENDATION

APPROVAL

INVESTIGATION

A. PROPERTY SITE

The subject property is a 3.005 tract fronting on Goza Road in Land Lot 247 of the 4th District. Goza Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The subject property is currently undeveloped.

B. SURROUNDING ZONING AND USES

The general situation is a 3.005 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned 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:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North and west (parent tract)	30.7	A-R	Undeveloped	Rural Residential – 3 (1 Unit/3 Acres)
South	4.8	A-R	Undeveloped	Rural Residential – 3 (1 Unit/3 Acres)
East (across Goza Road)	1.47	A-R	Single-Family Residential	Rural Residential – 3 (1 Unit/3 Acres)
	.99	A-R	Single-Family Residential	Rural Residential – 3 (1 Unit/3 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated as Rural Residential – 3 (1 Unit/3 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-85 for the purpose of developing one (1) lot of 3.005 acres.

Platting

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

E. DEPARTMENTAL COMMENTS

Water System

Fayette County Water System has reviewed the above referenced petition. The petition plat states water service is to be provided by the Fayette County Water System. There is a 30" DIP water main along Goza Road at this location. The developer shall be required to provide a tap and service for the property at the developer's expense. Meter and availability fees should also be applied.

Public Works/Engineering

Approval of any new residential lot is dependent upon the property having adequate sight distance for a driveway to be installed in accordance with County regulations. It is the surveyor's and/or engineer's responsibility to certify adequate sight distance exists on the plat.

Environmental Management

Floodplain	The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0118E dated Sept 26, 2008. The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.
Wetlands	The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers <u>prior</u> to issuance of any permits from Fayette County for any phase of development affecting wetlands.
Watershed	The watershed protection ordinance WOULD apply to this property once subdivided.
Groundwater	The property IS NOT within a groundwater recharge area.
Stormwater	This development IS NOT subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

No objection to proposal. A to-scale level 3 red stamped soils report, with classifier's certificate of insurance, will need to be submitted at time of application for septic permit.

Fire

Approved

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-85 for the purpose of developing one (1) lot of 3.005 acres. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated as Rural Residential – 3 (1 unit/3 Acres). 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**.

**1291-20
Zoning**

A-R

**SUBJECT
PROPERTY**

A-R

Goza Road

R-45

A-R

R-45

1291-20
Land Use Plan

**SUBJECT
PROPERTY**

RURAL
RESIDENTIAL
-3

Goza Road

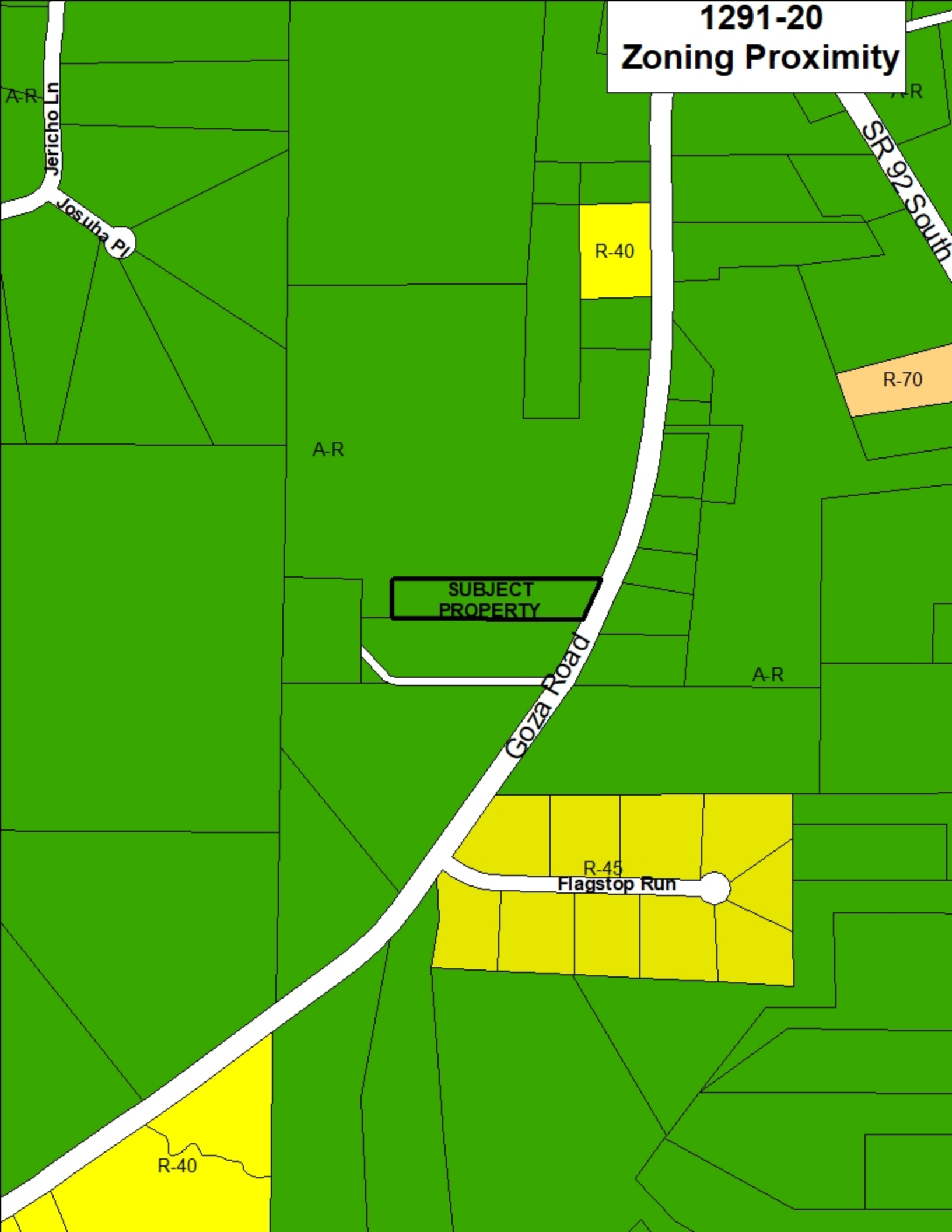
**1291-20
Aerials**

**SUBJECT
PROPERTY**

Goza Road



1291-20
Zoning Proximity



PETITION NUMBER: RP-076-20

REQUESTED ACTION: Request to add property to Bay Chappell Farms Subdivision, create an additional lot in Bay Chappell Farms Subdivision, and change the principal use on a lot labeled Recreational Area (Bay Chappell Farms Phase Two) to residential use (associated with Rezoning 1292-20 application).

ZONING DISTRICT: R-72

LOCATION: Stable Creek Road

LAND LOT/DISTRICT: Land Lot 167 of the 4th District

APPLICANTS: William T. Murphy and Richard E. Carne

INVESTIGATION

History: The Final Plat for Bay Chappell Farms Phase One was originally recorded on October 3, 1989 and a revision was recorded on August 24, 1992. This revision added approximately .66 acres to Lot 36 from a lot labeled “Recreation Area” depicted in Chappell Farms Phase Two. The Final Plat Bay Chappell Farms Phase Two was originally recorded on June 12, 1990 and a revision was recorded on August 17, 1992. This revision also depicted the aforementioned reconfiguration of the lot labeled “Recreation Area.”

Bay Chappell Farms was originally zoned R-60. The R-60 zoning district was deleted from the zoning ordinance in 1998 and all properties in the R-60 zoning District were put into the R-72 zoning district.

A request to revise the Final Plat for Bay Chappell Farms Phase One (RP-074-19), to subdivide Lot 36 was approved by the Board Commissioners on January 23, 2020. To date, a revised final plat to subdivide lot 36 has not been submitted to the County for review.

Subdivision Regulations

Sec. 104-595. - Approval of subdivisions.

(2) Final plat or minor subdivision plat

j. Revision to a recorded final plat.

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 Sec. 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 more be 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.

Department Comments

Planning and Zoning

This request involves two existing lots within Bay Chappell Farms subdivision, specifically, Lot 36 (which contains a single-family residence) and a lot labeled “Recreation Area”, and a 10 acre parcel adjacent to Bay Chappell Farms subdivision. Rezoning petition 1292-20 (A-R to R-72) has been submitted for this 10 acre parcel in association with the Revised Plat application. The combination of these requests is to add the 10 acre parcel to the subdivision to facilitate the subdivision of Lot 36 into two lots utilizing a portion of the 10 acre parcel and use the “Recreation Area” to provide road frontage to the remainder of the 10 acre parcel to create a flaglot. A small portion of Lot 36 will be added to the Recreation Area lot to provide 100 feet of road frontage.

The factors above are to be used to review these requests:

Street Character: The front yard setback established on the Bay Chappell Farms plats is 75 feet as was required by the R-60 zoning district. The R-72 zoning district requires a front yard setback of 50 feet. If this petition is approved, the resulting lots, as applicable, should be conditioned to abide by the 75 foot front yard setback. The buildable portion of the proposed flaglot would be approximately 800 feet from Stable Creek Road which would have no effect on the street character.

Lot size character: Per the Letter of Intent all lots are proposed to exceed the two acre minimum lot size.

Lot width character: All proposed lots would be required to meet a lot width of 150 feet per the R-72 zoning district. The R-60 zoning district also required a 150 foot lot width. The proposed lots resulting from the subdivision of Lot 36 appear to be in character with similarly shaped lots within the subdivision. There are no existing flag lots with the subdivision but the proposed flaglot is 518 feet wide in the flag portion of the lot per the Concept Plan.

Change of principal use: This request includes the change of the principal use on the lot labeled “Recreational Area” to residential use.

The Recreation Area Easement:

The designation of an area on a recorded plat showing it as a recreation area creates an irrevocable easement in favor of lot owners who buy in reference to that plat. Doughtie v. Dennisson, 240 Ga. 299 (1977). Where protective covenants exist and expire, they do not negate the easement created by the plat. Patterson v. Powell, 257 Ga. App. 336, 338 (2002). Sale of a single lot is sufficient to protect the dedicated land to its designated use. Davis v. Foreman, 311 Ga. App. 775, 778 (2011).

Further, the easement is not lost by foreclosure or tax sale. Smith v. Gwinnett Co., 248 Ga. 882, 885 (1982). The easement may only be lost by express abandonment. Hampton Ridge Homeowners' Assoc., Inc. v. Marett Properties, Ltd., 265 Ga. 655, 656 (1995). In Hampton Ridge, after taking title to their lots, the owners within the subdivision all signed onto a written Consent to be bound by a Declaration of Covenants and Restrictions, which transferred all rights to all common areas to the subdivider, thus abandoning their rights to the easement, which were transferred as part of that package. Subsequent case law makes clear that abandonment will not be presumed, must be in writing and clearly shown. So, for instance, where the initial filed plat showed a recreation area, and a subsequent plat showed a replacement recreation area at a second, different location, the unilateral action of the subdivider in filing a different plat was not able to extinguish the rights to the first area for people whose deed referenced the first plat. Davis v. Foreman, 311 Ga. App. 775, 779 (2011).

Subsequent case law makes clear that the owner of a lot previously dedicated to subdivisions owners for recreation use does not negate the underlying owner's rights to use the lot for his own purposes, provided it is not inconsistent with the dedication. Savannah Jaycees Foundation, Inc. v. Gottlieb, 273 Ga. App. 374 (2005). Thus, it is permissible to make limited use of the easement area for private purposes.

The original subdivision plat for phase two shows two lots dedicated to the subdivision owners for recreation purposes. The southernmost of those lots is encompassed within the area proposed for re-platting. No improvements were ever installed in either recreation area shown on the plat. The homeowners' association is now defunct and there is no entity that would install any recreation improvements.

The applicants have requested the ability to provide driveway access through the recreation area easement to access the buildable portion of the proposed lots. This would be a permissible allowable use of the easement area. Any recommendation approving the subdivision should make clear and be conditional on the recreation area remaining open to other owners within the subdivision for passive recreation and should limit the extent of private uses that are allowable.

With regard to the original 2.11 acre parcel indicated on Bay Chappell Farms Phase Two as Recreation Area and located within the proposed revised subdivision area, use of that 2.11 acre area by the underlying fee owner(s) is limited to construction of no more than two total driveways to service proposed Lot 2 and Lot 3 (as shown on the Concept Plan submitted with the Applications). The owner(s) of Lots 2 and 3 shall not site any permanent improvements, other than the driveways to service Lot 2 and Lot 3, in such manner as to leave the remaining areas of the Recreation Area parcel free for passive recreation by the owners of all lots in Bay Chappell Subdivision, and no current or future owner of Lot 2 or Lot 3 shall substantially interfere with the use of the Recreation Area by any current or future owner of any other lot in Bay Chappell Farms Subdivision for recreation purposes. Substantial interference shall include, but not be limited to, the erection of a fence excluding access to the Recreation Area. Additionally, before a revised final plat is recorded, the current owners of any portion of Lots 1, 2, and 3 shall indemnify and hold harmless the County from any and all future claims related to (1) the County's approval of

the Applications that include the 2.11 acre Recreation Area; and (2) the extinguishment of the original 25 foot strip connecting Lot 3 with Chappell Road. Also, the revised final plat shall indicate the area of the 2.11 acre Recreation Area in relationship to proposed Lots 2 and 3. Staff will recommend conditions accordingly.

Water System

“Lot 1” (Lot 36 Bay Chappell Farms/170 Stable Creek Rd.) has an existing water service at or very near its original western property line, the additional road frontage being granted for “Lot 2” and “Lot 3”, places this water service on future “Lot 3”. This water service will need to be relocated onto future “Lot 1” or used as a future water service for future “Lot 3” and a new water service installed for future “Lot 1”, at the expense of the developer. Additionally, water service will need to be installed for future “Lot 2”, at the developers expense. Also any other conflicts that arise with FCWS facilities as a result of this re-plat must be resolved by the developer with coordination through FCWS.

Fire

Approved

Engineering/Public Works

No Engineering comments on the proposed revised plat.

Environmental Management Dept.

Floodplain	The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0113E and 13113C0083E dated Sept 26, 2008. The property DOES contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.
Wetlands	The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers <u>prior</u> to issuance of any permits from Fayette County for any phase of development affecting wetlands.
Watershed	The watershed protection ordinance WOULD apply to this property.
Groundwater	The property IS NOT within a groundwater recharge area.
Stormwater	This development IS NOT subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

No objection to rezoning and revision to the plat. However, records indicate that there are challenging soils in this area and submission of a red stamped level 3 soils report will be needed for all of the lots.

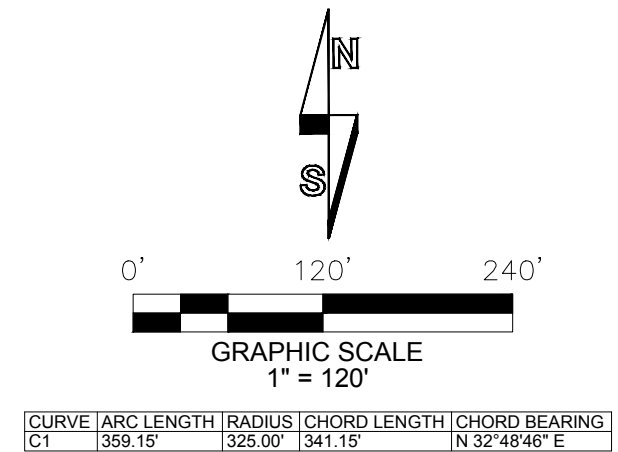
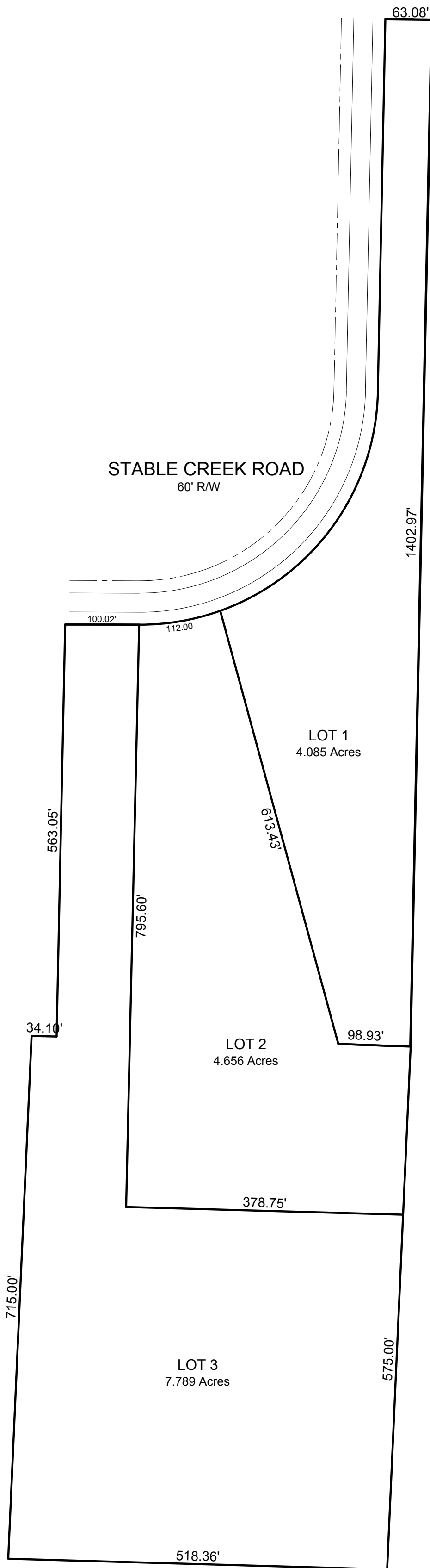
STAFF RECOMMENDATION

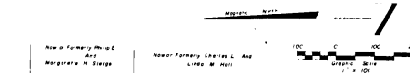
Staff recommends **APPROVAL WITH CONDITIONS** of this request to revise Bay Chappell Farms Phases One and Two to add property to Bay Chappell Farms Subdivision, create an additional lot in Bay Chappell Farms Subdivision, and change the principal use on a lot labeled Recreational Area (Bay Chappell Farms Phase Two) to residential use. This request is associated with rezoning 1292-20.

RECOMMENDED CONDITIONS

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

1. That the proposed lots will maintain a front yard setback of 75 feet and the revised plat shall indicate the 75 foot front yard setback.
2. That use of that 2.11 acre area by the underlying fee owner(s) is limited to construction of no more than two total driveways to service proposed Lot 2 and Lot 3 (as shown on the Concept Plan submitted with the Applications). The owner(s) of Lots 2 and 3 shall not site any permanent improvements, other than the driveways to service Lot 2 and Lot 3, in such manner as to leave the remaining areas of the Recreation Area parcel free for passive recreation by the owners of all lots in Bay Chappell Subdivision, and no current or future owner of Lot 2 or Lot 3 shall substantially interfere with the use of the Recreation Area by any current or future owner of any other lot in Bay Chappell Farms Subdivision for recreation purposes. Substantial interference shall include, but not be limited to, the erection of a fence excluding access to the Recreation Area. Additionally, before a revised final plat is recorded, the current owners of any portion of Lots 1, 2, and 3 shall indemnify and hold harmless the County from any and all future claims related to (1) the County's approval of the Applications that include the 2.11 acre Recreation Area; and (2) the extinguishment of the original 25 foot strip connecting Lot 3 with Chappell Road.
3. That the revised final plat shall indicate the area of the 2.11 acre Recreation Area in relationship to proposed Lots 2 and 3.





•

- [illegible]

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF AT LEAST ONE FOOT IN 29,814 FEET AND AN ANGULAR ERROR OF OR SECONDS PER ANGULAR POINT, AND WAS ADJUSTED

"YAFETTE 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."

FINAL PLAT
OF
BAY CHAPPELL FARMS
PHASE ONE
LAND LOT NO. 4th DISTRICT
FAYETTE COUNTY GEORGIA

Civil Engineering Master Planning Surveying Construction Management	 <p>Bancmark Engineering Corporation</p> <p>2700 Lakeside Pkwy., Suite 100 Baltimore, MD 21244 (410) 528-3000</p>	Date: <u>August 1, 1990</u> Scale: <u>1" = 100'</u> Job No. <u>885-48</u> Drawing No. <u>M-28</u>
---	---	--

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN ON THIS PLAN HEREBY
OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE LIGHT-OF-WAY, EASE-
MENTS, AND OTHER GRANT SO SHOWN.

THOMPSON COMPANY CONCRETE CORPORATION

OWNER: Alfred H. Smith DATE 8-7-88
FINAL PLAN APPROVED BY COUNTY ENGINEER OF WATTE COUNTY.
ALL AS-BUILT PLANS HAVE BEEN APPROVED.

DATE 2-28-89 1989 SIGNED: Michael S. Stetson

APPROVED BY: FAYETTEVILLE - FAYETTE COUNTY PLANNING COMMISSION

DATE: 9-25-89 1989 BY: Bing Smith for R. Moore
SECRETARY

OFFICE OF PUBLIC WORKS AND CONSTRUCTION
DATE: 1-19-71 BY: *Ray Hunt*

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, PA. 78

THIS PLAN HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY HEALTH DEPARTMENT AND, BASED ON FIELD ACTION TEST RESULTS, LAY OF THE LAND, SOIL INFORMATION, ETC., THIS PLAN APPEARS TO BE SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAIN FIELDS. HOWEVER, EACH LOT WILL HAVE TO BE INSPECTED TO DETERMINE LOCATION OF HOUSE, STYLE OF HOUSE, ETC. BEFORE FINAL APPROVAL CAN BE ISSUED.

DATE 9/2/89 901 SIGNED: [Signature]

SAVE OR'S ACKNOWLEDGMENT

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION; THAT NEIGH-
BORING LOCATIONS ARE CORRECTLY SHOWN; AND, THAT THE PROPERTY WILL OR CAN

AS SHOWN. COMMENTS ARE SHOWN BY RED PINS.

Walt 4/12/44

WALTER Y. FRYWATTE ON JUL 8 2117

TYPE C				
NO.	LENGTH	WID.	THICKNESS	
7	60"	40"	3/4"	5 - 40" PILES
8	60"	40"	3/4"	5 - 40" PILES
9	60"	40"	3/4"	5 - 40" PILES
10	20"	12"	3/4"	CS - C
11	20"	12"	3/4"	CS - 200 PILES
12	20"	12"	3/4"	CS - C
13	20"	12"	3/4"	CS - 200 PILES
14	20"	12"	3/4"	CS - 200 PILES
15	20"	12"	3/4"	CS - 200 PILES
16	20"	12"	3/4"	CS - C
17	20"	12"	3/4"	CS - C
18	20"	12"	3/4"	CS - C
19	20"	12"	3/4"	CS - 200 PILES

NO.	Δ	RAD	ARC	"AL	CH
1	30° 23' 43"	304.11'	322.89'	150.45'	15.28
2	34° 04' 36"	238.39'	268.44'	148.42'	37.85
3	38° 55' 37"	205.12'	263.19'	206.34'	157.09
4	12° 29' 24"	720.39'	152.12'	78.92'	152.42
5	39° 04' 07"	377.39'	232.39'	138.22'	238.92

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF AT LEAST ONE FOOT IN 20,014 FEET AND AN ANGULAR ERROR OF OR LESS PER ANGULAR POINT, AND WAS ADJUSTED

FIELD INFORMATION WAS OBTAINED WITH
E. J. M. EQUIPMENT STEEL TAPE AND

THIS PLAY HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE

BEYOND AND IS FOUND TO BE NEARLY
WITHIN AT LEAST ONE FOOT IS 10,000
FEET.

GILTER V. PRIVATTE CA 815 8:101

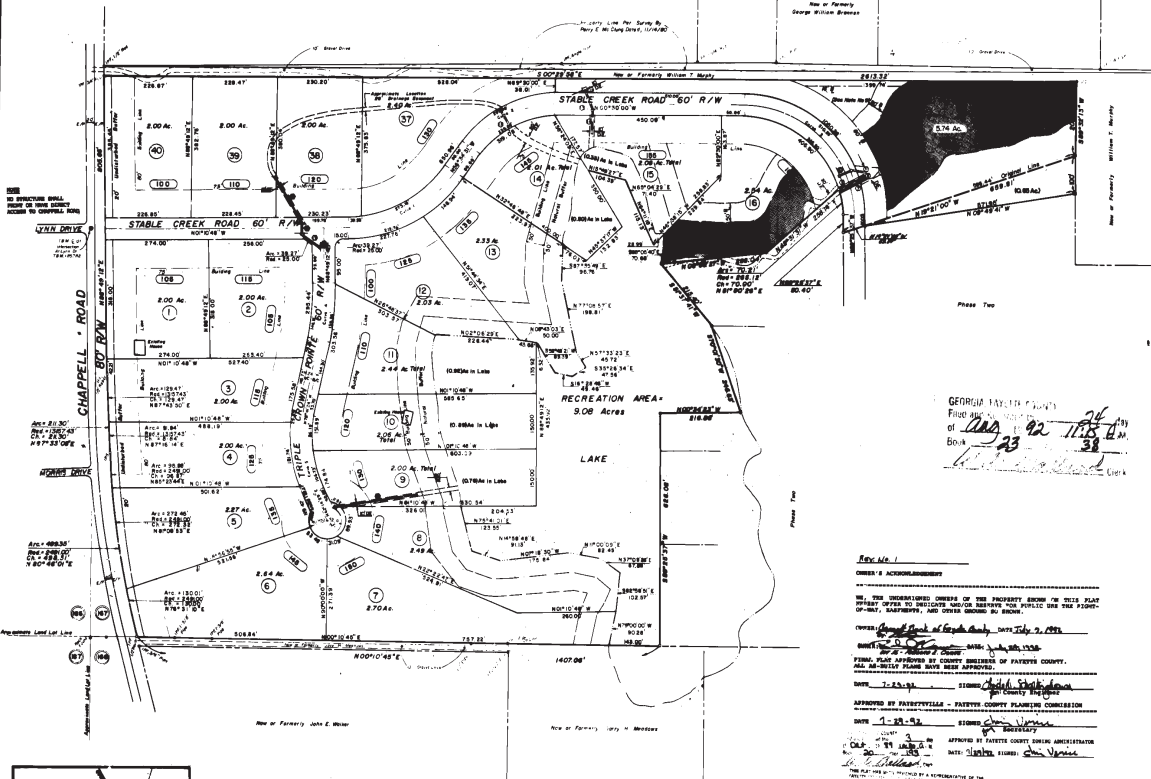
Now of Foreman: John T. And Linda D. Butler

Now of Foreman: George William Brown

Now of Foreman: Maynard F. And James Dennis Bailey

Now of Foreman: Philip E. And Margaret M. Sledge

Now of Foreman: Charles L. And Linda M. Hall



Phase Two

GEORGIA PATENT PLANS
 of **100** 26
 Book **23** 1125 H
 38

1. 1000' FOR ROAD
 2. 100' FOR SET
 3. 100' FOR SET
 4. 100' FOR SET
 5. 100' FOR SET
 6. 100' FOR SET
 7. 100' FOR SET
 8. 100' FOR SET
 9. 100' FOR SET
 10. 100' FOR SET

1. OWNER: [Name]
2. [Name]
3. [Name]
4. [Name]
5. [Name]
6. [Name]
7. [Name]
8. [Name]
9. [Name]
10. [Name]

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY

APPROVED BY



LOCATION MAP

OWNER'S ACKNOWLEDGMENT
 I, THE UNDERSIGNED, OF THE PROPERTY SHOWN ON THIS PLAT HEREBY
 STATE TO BE THE UNDERSIGNED, AND BEING OF FULL AGE AND SOUND MIND,
 HAVE SIGNED THIS PLAT FOR THE PURPOSE OF RECORDING THE SAME.
 WITNESSED BY ME, THE UNDERSIGNED, ON THIS 26th DAY OF JULY, 1992.
 SIGNED: [Signature]
 DATE: 7-26-92

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GA.
 THIS PLAT HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY
 HEALTH DEPARTMENT AND BASED ON PUBLIC HEALTH TEST RESULTS, LAY OF THE
 LAND, AND INFORMATION, ETC., THIS PLAT APPEARS TO BE CORRECT FOR
 RECORDING AND FOR THE PURPOSE OF RECORDING THE SAME.
 WITNESSED BY ME, THE UNDERSIGNED, ON THIS 26th DAY OF JULY, 1992.
 SIGNED: [Signature]
 DATE: 7-26-92

NO.	ACRES	OWNER
1	1.00	John T. And Linda D. Butler
2	1.00	John T. And Linda D. Butler
3	1.00	John T. And Linda D. Butler
4	1.00	John T. And Linda D. Butler
5	1.00	John T. And Linda D. Butler
6	1.00	John T. And Linda D. Butler
7	1.00	John T. And Linda D. Butler
8	1.00	John T. And Linda D. Butler
9	1.00	John T. And Linda D. Butler
10	1.00	John T. And Linda D. Butler
11	1.00	John T. And Linda D. Butler
12	1.00	John T. And Linda D. Butler
13	1.00	John T. And Linda D. Butler
14	1.00	John T. And Linda D. Butler
15	1.00	John T. And Linda D. Butler
16	1.00	John T. And Linda D. Butler
17	1.00	John T. And Linda D. Butler
18	1.00	John T. And Linda D. Butler
19	1.00	John T. And Linda D. Butler
20	1.00	John T. And Linda D. Butler
21	1.00	John T. And Linda D. Butler
22	1.00	John T. And Linda D. Butler
23	1.00	John T. And Linda D. Butler
24	1.00	John T. And Linda D. Butler
25	1.00	John T. And Linda D. Butler
26	1.00	John T. And Linda D. Butler
27	1.00	John T. And Linda D. Butler
28	1.00	John T. And Linda D. Butler
29	1.00	John T. And Linda D. Butler
30	1.00	John T. And Linda D. Butler
31	1.00	John T. And Linda D. Butler
32	1.00	John T. And Linda D. Butler
33	1.00	John T. And Linda D. Butler
34	1.00	John T. And Linda D. Butler
35	1.00	John T. And Linda D. Butler
36	1.00	John T. And Linda D. Butler
37	1.00	John T. And Linda D. Butler
38	1.00	John T. And Linda D. Butler
39	1.00	John T. And Linda D. Butler
40	1.00	John T. And Linda D. Butler
41	1.00	John T. And Linda D. Butler
42	1.00	John T. And Linda D. Butler
43	1.00	John T. And Linda D. Butler
44	1.00	John T. And Linda D. Butler
45	1.00	John T. And Linda D. Butler
46	1.00	John T. And Linda D. Butler
47	1.00	John T. And Linda D. Butler
48	1.00	John T. And Linda D. Butler
49	1.00	John T. And Linda D. Butler
50	1.00	John T. And Linda D. Butler
51	1.00	John T. And Linda D. Butler
52	1.00	John T. And Linda D. Butler
53	1.00	John T. And Linda D. Butler
54	1.00	John T. And Linda D. Butler
55	1.00	John T. And Linda D. Butler
56	1.00	John T. And Linda D. Butler
57	1.00	John T. And Linda D. Butler
58	1.00	John T. And Linda D. Butler
59	1.00	John T. And Linda D. Butler
60	1.00	John T. And Linda D. Butler
61	1.00	John T. And Linda D. Butler
62	1.00	John T. And Linda D. Butler
63	1.00	John T. And Linda D. Butler
64	1.00	John T. And Linda D. Butler
65	1.00	John T. And Linda D. Butler
66	1.00	John T. And Linda D. Butler
67	1.00	John T. And Linda D. Butler
68	1.00	John T. And Linda D. Butler
69	1.00	John T. And Linda D. Butler
70	1.00	John T. And Linda D. Butler
71	1.00	John T. And Linda D. Butler
72	1.00	John T. And Linda D. Butler
73	1.00	John T. And Linda D. Butler
74	1.00	John T. And Linda D. Butler
75	1.00	John T. And Linda D. Butler
76	1.00	John T. And Linda D. Butler
77	1.00	John T. And Linda D. Butler
78	1.00	John T. And Linda D. Butler
79	1.00	John T. And Linda D. Butler
80	1.00	John T. And Linda D. Butler
81	1.00	John T. And Linda D. Butler
82	1.00	John T. And Linda D. Butler
83	1.00	John T. And Linda D. Butler
84	1.00	John T. And Linda D. Butler
85	1.00	John T. And Linda D. Butler
86	1.00	John T. And Linda D. Butler
87	1.00	John T. And Linda D. Butler
88	1.00	John T. And Linda D. Butler
89	1.00	John T. And Linda D. Butler
90	1.00	John T. And Linda D. Butler
91	1.00	John T. And Linda D. Butler
92	1.00	John T. And Linda D. Butler
93	1.00	John T. And Linda D. Butler
94	1.00	John T. And Linda D. Butler
95	1.00	John T. And Linda D. Butler
96	1.00	John T. And Linda D. Butler
97	1.00	John T. And Linda D. Butler
98	1.00	John T. And Linda D. Butler
99	1.00	John T. And Linda D. Butler
100	1.00	John T. And Linda D. Butler



REVISOR'S NOTICE: THE FIELD DATA ON WHICH THIS PLAT IS BASED WAS OBTAINED BY THE FIELD ENGINEER, AND IS SUBJECT TO THE FIELD ENGINEER'S REVIEW AND APPROVAL. THE FIELD ENGINEER'S REVIEW AND APPROVAL IS NOT A GUARANTEE OF THE ACCURACY OF THE FIELD DATA.

REVISED FINAL PLAT
 OF
BAY CHAPPEL FARM
 PHASE ONE

FAYETTE COUNTY
 LAND LOT 167

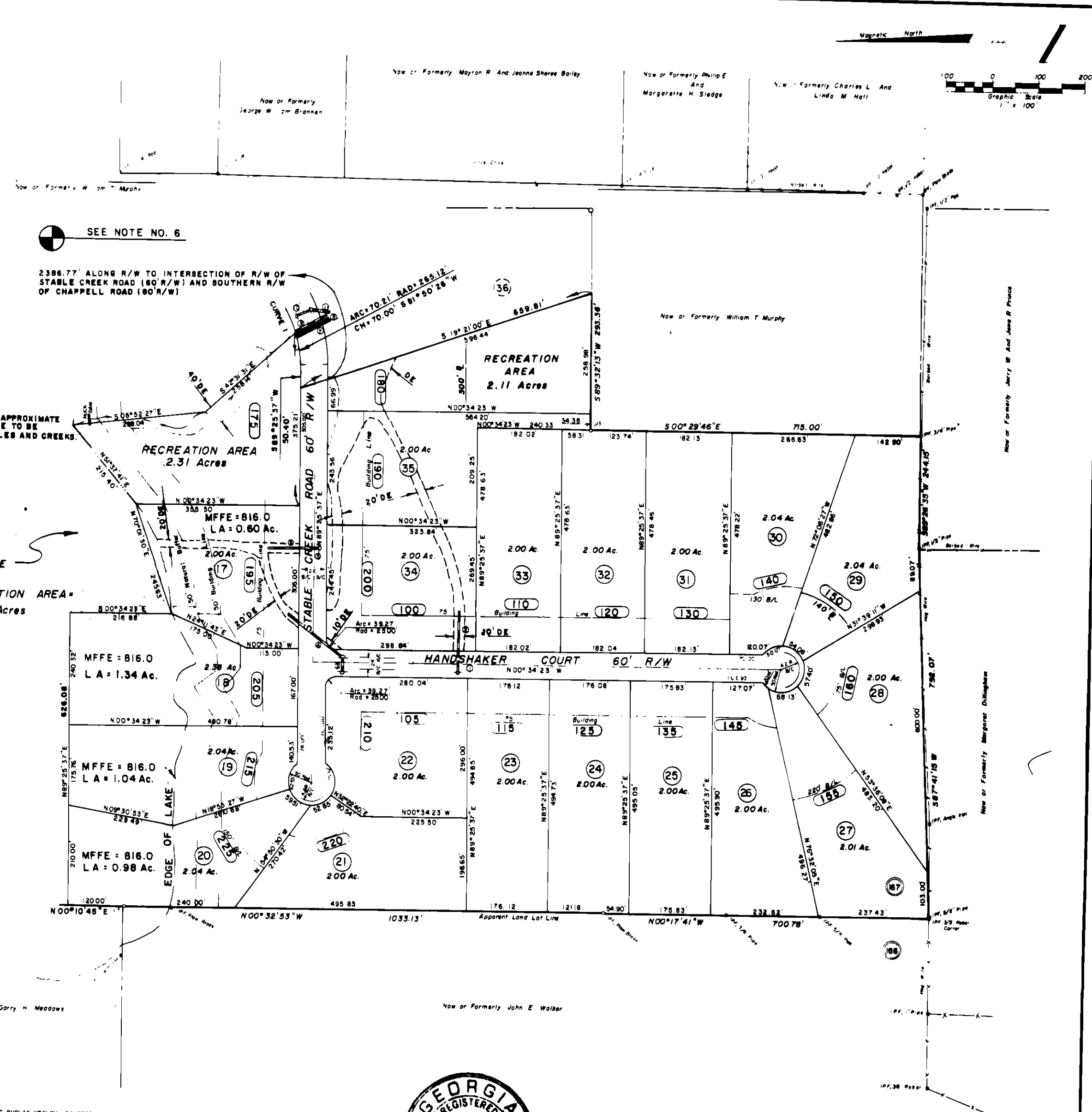
4th DISTRICT
 FAYETTE COUNTY
 GEORGIA

Surveying
 Engineering
 Corporation
 1700 Main St., Marietta, GA 30066
 (404) 426-1000

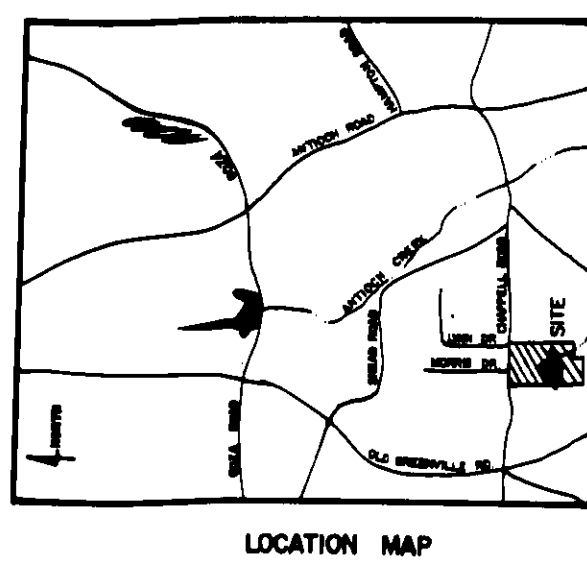
Surveying
 Engineering
 Corporation
 1700 Main St., Marietta, GA 30066
 (404) 426-1000

LEGEND
IPP IRON PIN FOUND
IPB IRON PIN SET
E/P EDGE OF PAYMENT
DE DRAINAGE EASEMENT
CMP CORRUGATED METAL PIPE
CB CATCH BASIN
RW ROADWALL
BL BUILDING LINE
MFE MINIMUM FINISH FLOOR ELEVATION
FPA FLOOD PLAIN AREA

GEORGIA, Fayette County
Clerk's Superior Court
Filed for record June 19, 90
Recorded in Book 21 Page 65
This 12th day of June 1990
W. H. Hall Clerk



- NOTES:**
- OWNER/DEVELOPER: THOMPSON & COMPANY MORTGAGE CORPORATION
MR. ALEX THOMPSON
105 HARBORVIEW PARK
SUITE F
FAYETTEVILLE, GA 30214
(404) 461-2113
 - ENGINEER: CHAPMAN LAND VENTURES, INC.
4 EXECUTIVE PARK DRIVE
SUITE 2408
ATLANTA, GA 30329
(404) 728-8773
 - BOUNDARY INFORMATION TAKEN FROM PLAT BY BENCHMARK ENGINEERING CORPORATION TITLED "BOUNDARY SURVEY FOR THOMPSON & COMPANY MORTGAGE CORPORATION DATED NOVEMBER 9, 1988.
 - CURRENT ZONING = R-60
MINIMUM LOT SIZE = 2.00 ACRES
FRONT BUILDING LINE = 75'
SIDE BUILDING LINE = 15'
REAR BUILDING LINE = 30'
 - TOTAL TRACT = 45.74 ACRES
TOTAL NUMBER OF LOTS IN THIS PHASE = 19
 - T.B.M. - CENTERLINE INTERSECTION OF CHAPPELL ROAD AND STABLE CREEK ROAD; ELEVATION = 827.82.
 - THIS TRACT DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 130482 0095A FAYETTE COUNTY, GEORGIA, DATED JULY 8, 1983.
 - LOTS TO BE SERVED BY INDIVIDUAL SEPTIC TANKS.



OWNER'S ACKNOWLEDGEMENT

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN ON THIS PLAT HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHT-OF-WAY, EASEMENTS, AND OTHER GRADING SO SHOWN.

OWNER: W. H. Hall DATE: 5-30-90

FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY, GEORGIA. ALL AS-BUILT PLANS HAVE BEEN APPROVED.

DATE: 6-8-90 SIGNED: W. H. Hall County Engineer

APPROVED BY FAYETTEVILLE - FAYETTE COUNTY PLANNING COMMISSION

DATE: 6-8-90 SIGNED: Richard S. Moore Secretary

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATION

DATE: 6-8-90 SIGNED: Perry Hiett

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GA.

THIS PLAT HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY HEALTH DEPARTMENT AND BASED ON REGULATION TEST RESULTS, LAY OF THE LAND, SOIL INFORMATION, ETC., THIS LAND APPEARS TO BE SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAIN FIELDS. HOWEVER, EACH LOT WILL HAVE TO BE INSPECTED TO DETERMINE LOCATION OF HOUSE, STYLE OF HOUSE, ETC. BEFORE FINAL APPROVAL CAN BE ISSUED. SEE LETTER.

DATE: MARCH 2, 1990 SIGNED: W. H. Hall Environmental Health Specialist

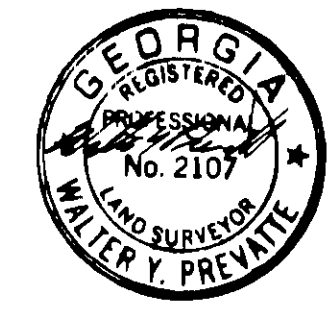
SURVEYOR'S ACKNOWLEDGEMENT

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION; THAT MONUMENT LOCATIONS ARE CORRECTLY SHOWN; AND THAT THE PROPERTY WILL DRAIN AS SHOWN. MONUMENTS ARE SHOWN BY IRON PINS.

DATE: MARCH 2, 1990 SIGNED: W. H. Hall Surveyor

WALTER Y. PRYATTE GA REG # 2107

NO.	LENGTH	PIPE STRUCTURE
1	100'	12" 40' 00" 00"
2	100'	12" 40' 00" 00"
3	100'	12" 40' 00" 00"
4	100'	12" 40' 00" 00"
5	100'	12" 40' 00" 00"
6	100'	12" 40' 00" 00"
7	100'	12" 40' 00" 00"
8	100'	12" 40' 00" 00"
9	100'	12" 40' 00" 00"
10	100'	12" 40' 00" 00"
11	100'	12" 40' 00" 00"
12	100'	12" 40' 00" 00"
13	100'	12" 40' 00" 00"
14	100'	12" 40' 00" 00"
15	100'	12" 40' 00" 00"
16	100'	12" 40' 00" 00"
17	100'	12" 40' 00" 00"
18	100'	12" 40' 00" 00"
19	100'	12" 40' 00" 00"
20	100'	12" 40' 00" 00"
21	100'	12" 40' 00" 00"
22	100'	12" 40' 00" 00"
23	100'	12" 40' 00" 00"
24	100'	12" 40' 00" 00"
25	100'	12" 40' 00" 00"
26	100'	12" 40' 00" 00"
27	100'	12" 40' 00" 00"
28	100'	12" 40' 00" 00"
29	100'	12" 40' 00" 00"
30	100'	12" 40' 00" 00"
31	100'	12" 40' 00" 00"
32	100'	12" 40' 00" 00"
33	100'	12" 40' 00" 00"
34	100'	12" 40' 00" 00"
35	100'	12" 40' 00" 00"
36	100'	12" 40' 00" 00"
37	100'	12" 40' 00" 00"
38	100'	12" 40' 00" 00"
39	100'	12" 40' 00" 00"
40	100'	12" 40' 00" 00"
41	100'	12" 40' 00" 00"
42	100'	12" 40' 00" 00"
43	100'	12" 40' 00" 00"
44	100'	12" 40' 00" 00"
45	100'	12" 40' 00" 00"
46	100'	12" 40' 00" 00"
47	100'	12" 40' 00" 00"
48	100'	12" 40' 00" 00"
49	100'	12" 40' 00" 00"
50	100'	12" 40' 00" 00"
51	100'	12" 40' 00" 00"
52	100'	12" 40' 00" 00"
53	100'	12" 40' 00" 00"
54	100'	12" 40' 00" 00"
55	100'	12" 40' 00" 00"
56	100'	12" 40' 00" 00"
57	100'	12" 40' 00" 00"
58	100'	12" 40' 00" 00"
59	100'	12" 40' 00" 00"
60	100'	12" 40' 00" 00"
61	100'	12" 40' 00" 00"
62	100'	12" 40' 00" 00"
63	100'	12" 40' 00" 00"
64	100'	12" 40' 00" 00"
65	100'	12" 40' 00" 00"
66	100'	12" 40' 00" 00"
67	100'	12" 40' 00" 00"
68	100'	12" 40' 00" 00"
69	100'	12" 40' 00" 00"
70	100'	12" 40' 00" 00"
71	100'	12" 40' 00" 00"
72	100'	12" 40' 00" 00"
73	100'	12" 40' 00" 00"
74	100'	12" 40' 00" 00"
75	100'	12" 40' 00" 00"
76	100'	12" 40' 00" 00"
77	100'	12" 40' 00" 00"
78	100'	12" 40' 00" 00"
79	100'	12" 40' 00" 00"
80	100'	12" 40' 00" 00"
81	100'	12" 40' 00" 00"
82	100'	12" 40' 00" 00"
83	100'	12" 40' 00" 00"
84	100'	12" 40' 00" 00"
85	100'	12" 40' 00" 00"
86	100'	12" 40' 00" 00"
87	100'	12" 40' 00" 00"
88	100'	12" 40' 00" 00"
89	100'	12" 40' 00" 00"
90	100'	12" 40' 00" 00"
91	100'	12" 40' 00" 00"
92	100'	12" 40' 00" 00"
93	100'	12" 40' 00" 00"
94	100'	12" 40' 00" 00"
95	100'	12" 40' 00" 00"
96	100'	12" 40' 00" 00"
97	100'	12" 40' 00" 00"
98	100'	12" 40' 00" 00"
99	100'	12" 40' 00" 00"
100	100'	12" 40' 00" 00"



NO.	Δ	RAD	ARC	TAN	CH
1	39°04'07"	327.98'	223.34'	116.23'	210.07'

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF AT LEAST ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 0.8 SECONDS PER ANGULAR POINT, AND WAS ADJUSTED USING COMPASS RULE.

FIELD INFORMATION WAS OBTAINED WITH E.S.M. EQUIPMENT, STEEL TAPE, AND THEODOLITE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN AT LEAST ONE FOOT IN 10,000 FEET.

WALTER Y. PRYATTE GA REG # 2107

FINAL PLAT
OF
BAY CHAPPELL FARMS
PHASE TWO
LAND LOT 167
FAYETTE COUNTY
4th DISTRICT
GEORGIA

ENGINEER: **Benchmark Engineering Corporation**
110 Commerce Plaza, Suite 100
Fayetteville, GA 30214
(404) 461-2113

DATE: 4-18-90
SEE GRAPHIC SCALE
JOB NO. 055-06
FILE NO. 12-100

STEVEN L. JONES



sjones@boviskyle.com

Main: (770) 391-9100

Direct: (678) 338-3902

Cell: (404) 218-2756

Fax: (770) 668-0878

Thursday, June 17, 2020

VIA EMAIL (pfrisina@fayettecountyga.gov)

Mr. Pete Frisina, Director
Fayette County Department of Planning and Zoning
Stonewall Administrative Complex
140 Stonewall Avenue, West
Suite 202
Fayetteville, Georgia 30214
pfrisina@fayettecountyga.gov

**RE: Rezoning Application – TPN: 0434 097; and
Application to Revise a Recorded Plat – TPNs: 0434 02017; 0434 03021; and a portion
of 0434 097**

Dear Mr. Frisina:

Please accept this as a Letter of Intent for the following applications previously filed with your office:

- (a) an Application to Amend the Official Zoning Map of Fayette County, Georgia (the “**Rezoning Application**”) regarding Fayette County Tax Assessor Parcel Identification Number (“TPN(s)”) 0434 097 (10 acres); and
- (b) an Application to Revise a Recorded Plat (the “**Plat Revision Application**”) regarding TPNs: 0434 02017; 0434 03021; and a portion of 0434 097 (collectively, 16.53 acres).

The goal of the Plat Revision Application and the Rezoning Application (collectively, the “**Applications**”) is to revise the final plats for the single-family residential neighborhood known as Bay Chappell Farms (“**Bay Chappell Farms**” or the “**Neighborhood**”) to combine portions of three (3) parcels each within the Neighborhood and one (1) parcel contiguous with the Neighborhood to create three (3) single-family residential R-72 lots of four (4) acres or more all within the Neighborhood, as shown on the concept Plan attached hereto as Exhibit “A” and previously submitted along with the Plat Revision Application.

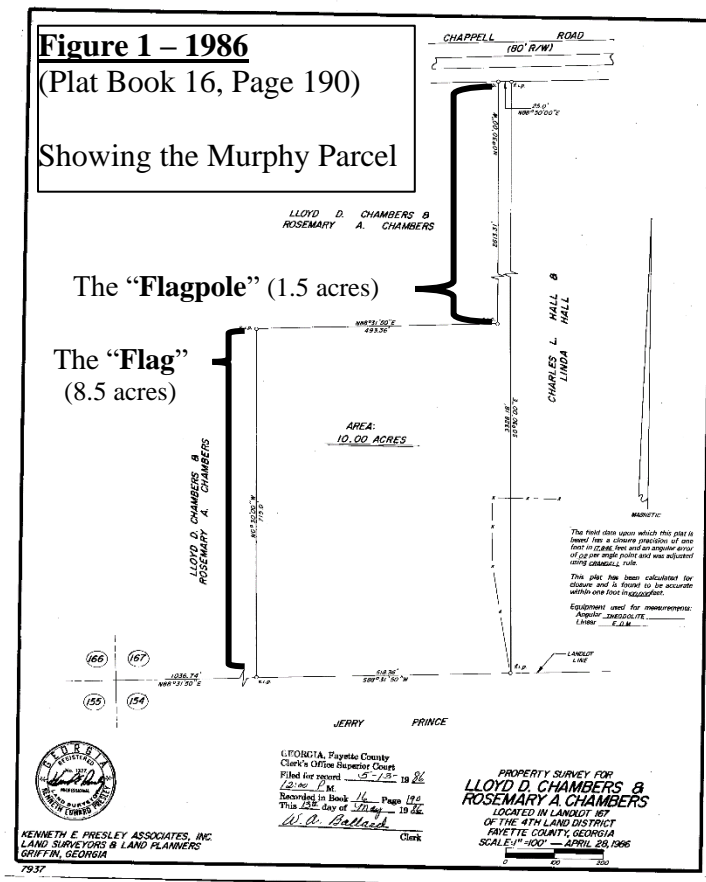
This Letter of Intent details the history of the parcels the subject of the Applications, the necessity for the Applications, and, finally, the specifics of the Applications.

ATLANTA, GA | CUMMING, GA | GREENSBORO, NC | CHARLESTON, SC | DESTIN, FL

I. HISTORY OF PARCELS

A. The Murphy Parcel

In 1986, Mr. William T. Murphy (“**Mr. Murphy**”) acquired from Mr. Lloyd D. and Mrs. Rosemary A. Chambers (the “**Chamberses**”) a ten (10) acre “flag lot” fronting on Chappell Road, identified as TPN 0434 097 (the “**Murphy Parcel**”), and shown in Figure 1 below. (*Deed Book 386, Page 786*).¹ The Murphy Parcel is south of Chappell Road between Brooks Woolsey Road and Old Greenville Road in unincorporated Fayette County. The “flagpole” portion of the Murphy Parcel is a *twenty-five foot (25’) wide, 2,613.31 foot long, one and a half (1.5) acre strip of land* (the “**Flagpole**”). At the time Mr. Murphy acquired the Murphy Parcel, the Flagpole was intended to serve as a driveway for the *eight and a half (8.5) acre flag-shaped portion* (the “**Flag**”) of the Murphy Parcel. (*Plat Book 16 Page 190* (Plat of the Murphy Parcel)).



Under the Zoning Ordinance of Fayette County, Georgia (the “**Zoning Ordinance**”), the Murphy Parcel has always been zoned under the Agricultural-Residential District (“**A-R**”).

Over time, changes in water courses that now cover a significant portion of the Flagpole and the exponentially increasing cost of paving the approximately *one half (1/2) mile long Flagpole* have made it practically and economically unfeasible to construct a driveway along the length of the Flagpole. As a result, the Murphy Parcel is practically land locked for purposes of development.

¹ All references in this letter to a Deed Book or Plat Book are references to those books in the Real Estate Records of the Clerk of Superior Court of Fayette County, Georgia.

B. Bay Chappell Farms

In 1988—after Mr. Murphy acquired the Murphy Parcel—Thompson & Company Mortgage Corporation (“**Thompson**”) acquired from the Chamberses 107.81 acres (shaded orange below) contiguous with the Murphy Parcel (shaded blue below). (*Deed Book 529, Page 506*). Thompson developed those 107.81 acres into the single-family residential subdivision known as “Bay Chappell Farms” which is south of, and accessed via, Chappell Road. (*Plat Book 20, Page 193* (Plat of Bay Chappell Farms Phase I); *Plat Book 21, Page 193* (Plat of Bay Chappell Farms Phase II)). There are thirty-six (36) lots (“**Lot(s)**”) in the Neighborhood. Unlike the Murphy Parcel, the Neighborhood is zoned “R-72, Single-Family Residential District” (“**R-72**”). The R-72 zoning district allows for the development of lots of two (2) or more acres in size. The Lots in the Neighborhood ranged in size from two (2) to five (5) acres.



Figure 2 - Zoning Map

Showing:

Bay Chappell Farms
(shaded orange); and

The Murphy Parcel
(shaded blue)

C. The Carne Parcel

In 1990, Mr. Richard E. Carne ("Mr. Carne") acquired, from Thompson, Lot 36 of Bay Chappell Farms (the "**Original Carne Parcel**") (shaded orange below). (*Deed Book 592, Page 263*). Lot 36 was originally platted as a 5.075 +/- acre parcel. (*See Plat Book 20, Page 193* (Plat of Bay Chappell Farms Phase I); *Plat Book 21, Page 193* (Plat of Bay Chappell Farms Phase II)).

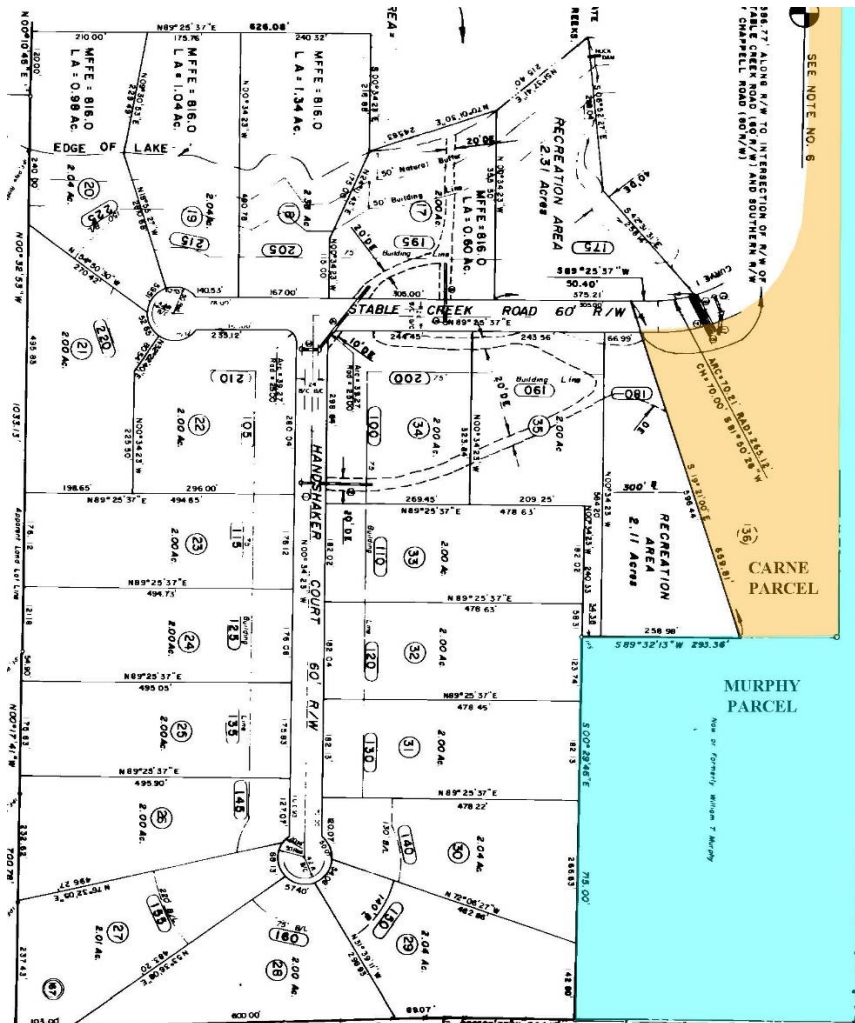


Figure 3 - 1990

Showing:

The Original Carne
Parcel (shaded orange);
and

The Murphy Parcel
(shaded blue)

D. The Recreation Area

In 1991, Thompson, in lieu of foreclosure, conveyed to Barnett Bank of Fayette County (“**Barnett**”) via a Warranty Deed the undeveloped portions of the neighborhood, including parcels originally platted—*but never developed or used*—as common, recreation areas (shaded yellow below). (See Deed Book 642, Page 587).

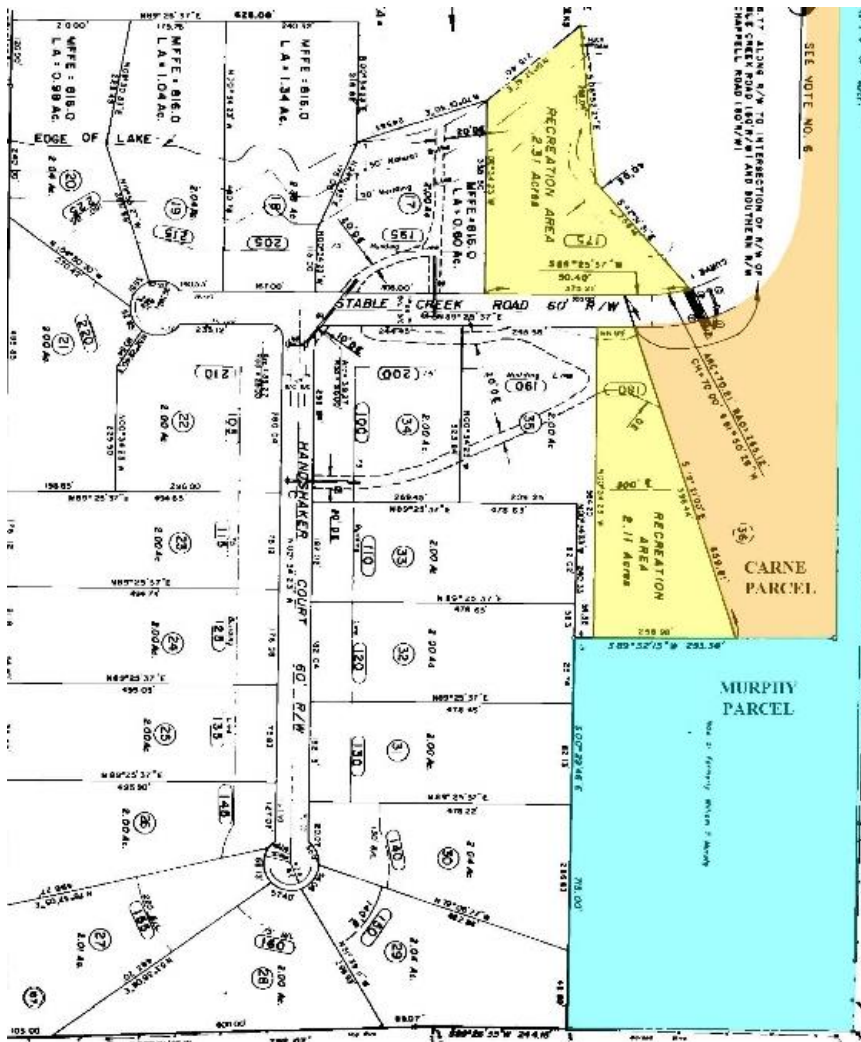


Figure 4- 1991

Showing:

The recreation areas
(shaded yellow);

The Original Carne Parcel
(shaded orange); and

The Murphy Parcel
(shaded blue)

E. The Recreation Area (Continued)

In 1992, Mr. Carne acquired 0.67 acres of the southernmost recreation area (shaded orange below and outlined with a black cloud line), and the plat for the Neighborhood was revised to reflect this acquisition. (*Deed Book 780, Page 237; Plat Book 23, Pg. 36*). After acquiring that portion of the southernmost recreation area, Mr. Carne's parcel consisted of 5.745 acres (the "**1992 Carne Parcel**," shaded in orange below). As a result, the remainder of the southernmost recreation area consists of 1.46 acres (the "**Recreation Area Parcel**," shaded yellow below) identified as TPN 0434 03021.

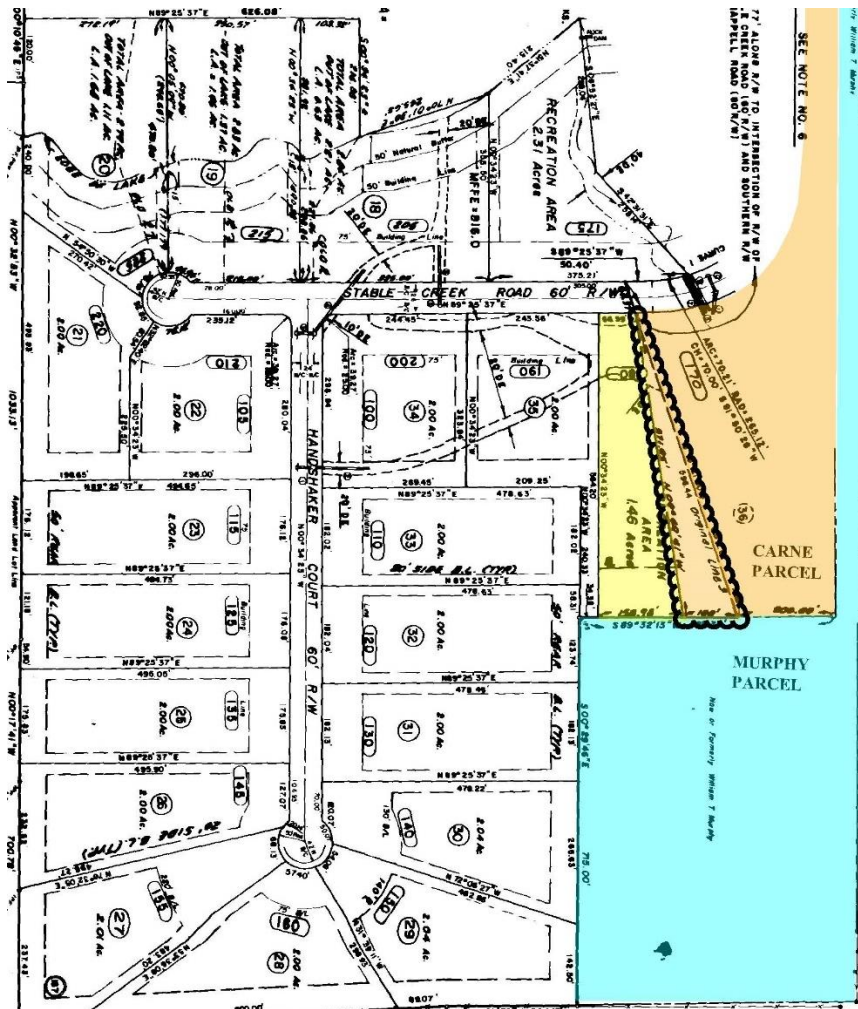


Figure 5 – 1992

Showing:

The Recreation Area Parcel
(shaded yellow);

The 1992 Carne Parcel,
(shaded orange)
including the portion of
the southernmost
recreation area acquired
by Mr. Carne in 1992
(outlined by a black
cloud line); and

The Murphy Parcel
(shaded Blue)

F. The Recreation Area (Continued)

In 2008, due to Barnett's failure to pay ad valorem taxes due, the Recreation Area Parcel (shaded blue and outlined by a black cloud line) was sold by the Sheriff of Fayette County, Georgia at a tax sale to Mr. Murphy. (*Deed Book 3438, Page 233*). The Recreation Area Parcel is wooded and has **never been developed or used as a recreation area** for Bay Chappell Farms.

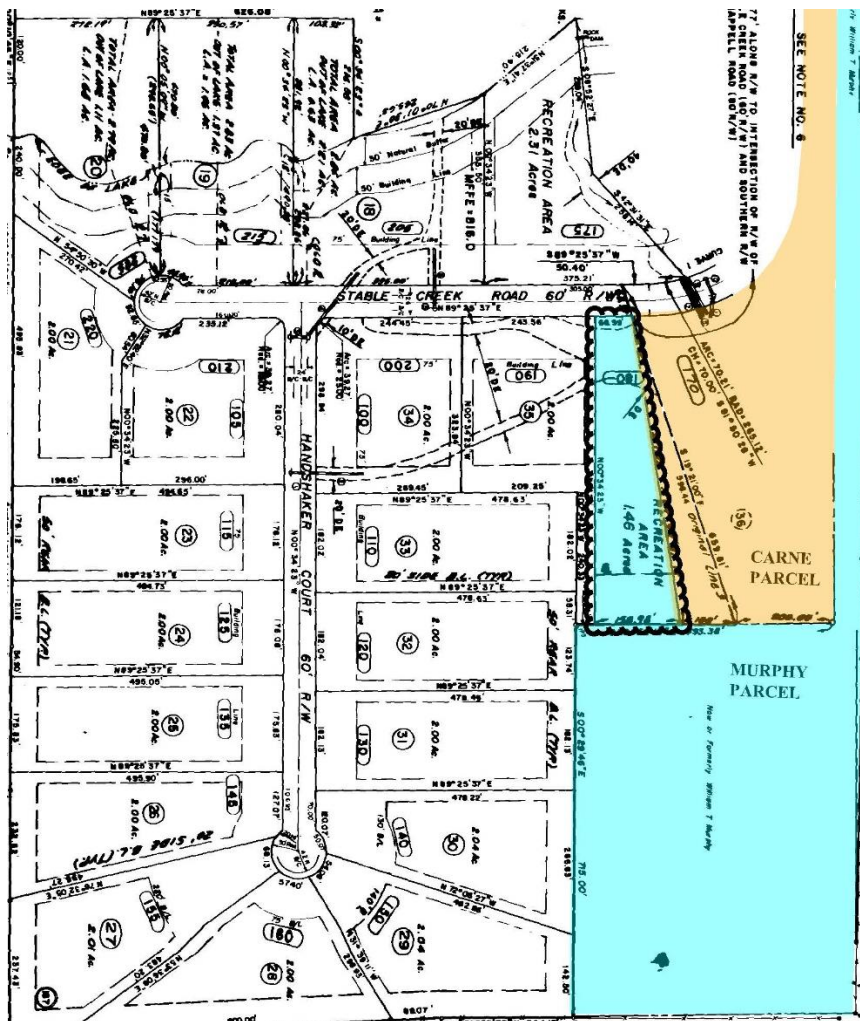


Figure 6 - 2008

Showing:

The Recreation Area
Parcel
(shaded blue and
outlined by a black cloud
line);

The 1992 Carne Parcel
(shaded orange); and

The Murphy Parcel
(shaded blue)

G. The Williams Parcel

On January 23, 2020, the Fayette County Board of Commissioners (the “**Board of Commissioners**”) approved an Application to Revise a Recorded Plat authorizing a revision of the plat for the Neighborhood that divides the Carne Parcel into two parcels—a 3.281 acre parcel on which Mr. Carnes’ residence is located (the “**2020 Carne Parcel**,” shaded orange below) and a 2.464 acre parcel on which Mr. Carne’s daughter and son-in-law, Mr. Eric and Ms. Cynthia Williams (the “**Williamses**”), intend to build a single-family home (the “**Williams Parcel**,” shaded purple below). The Williamses have since moved in with Mr. Carne on the 2020 Carne Parcel in anticipation of building their dream home on the Williams Parcel.

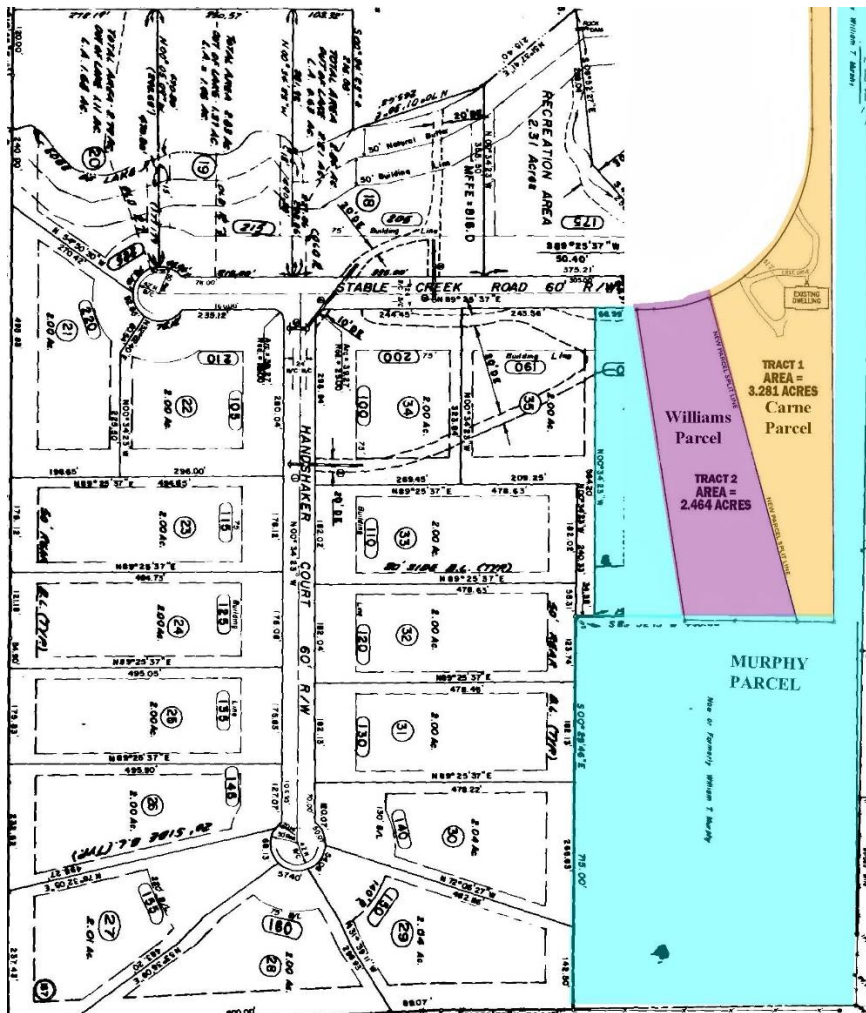


Figure 7 – 2020

Showing:

The Williams Parcel
(shaded purple)

The 2020 Carne Parcel
(shaded orange);

The Murphy Parcel
(shaded blue); and

The Recreation Area
Parcel
(also shaded Blue)

II. THE NEED FOR THE APPLICATIONS

A. The Murphy Parcel

Due to its heavy forestation, limited acreage, limited actual and potential road frontage, and its location around residentially zoned parcels, the only economically viable use for the Murphy Parcel is development as one (1) single-family residential lot. The Code of Fayette County, Georgia requires the Murphy Parcel to be accessed via a driveway from Chappell Road—the only road on which the Murphy Parcel has road frontage. However, a one and a half (1.5) mile long driveway running the length of the Flagpole portion of the Murphy Parcel cannot economically, feasibly, or practically be constructed due to hydrological features that have changed since Mr. Murphy acquired the property and the ever-increasing cost of constructing a driveway. (See Exhibit “B” attached hereto (*U.S. Bureau of Labor Statistics, Producer Price Index by Industry: Cement and Concrete Product Manufacturing*, FRED, FEDERAL RESERVE BANK OF ST. LOUIS, <https://fred.stlouisfed.org/series/PCU32733273>, (last accessed June 10, 2020))). As a result, as currently zoned, the Murphy Parcel is without an economically viable use.

Section 110-67(b) of the Zoning Ordinance requires that all residential lots have at least one hundred feet (100’) of immediate street frontage “maintained from the lot’s frontage on the street to the body of the lot where the minimum lot width is met.” Because it was platted before Section 110-67(b) was enacted, the Murphy Parcel, with respect to its twenty-five feet (25’) of frontage on Chappell Road, is a legal nonconforming lot. (See Zoning Ordinance § 110-170(a) (Nonconforming Lots)). Thus, the Murphy Parcel could be developed as currently zoned with one (1) single-family residence, but it is not economically nor practically feasible to construct a driveway the length of the Flagpole.

Every residential lot must have a driveway that accesses a street on which it has frontage. (See Section 104-55(c) of the Development Regulations of Fayette County Georgia).² Under certain circumstances, Section 110-67(b) of the Zoning Ordinance permits landlocked lots to be accessed via easement drives. The Murphy Parcel, however, is not landlocked because it has some frontage on Chappell Road via its half (1/2) mile long Flagpole. (Zoning Ordinance Section 110-3 (A “landlocked lot” is defined by the Zoning Ordinance as “a lot having *no* road frontage on a street.” (emphasis added))). Therefore, the Murphy Parcel is not eligible for an easement driveway, and it is impractical, economically unfeasible, and, thus, impossible for a driveway to be constructed along the entirety of the Flagpole to Chappell Road.

Based on the above, for a driveway to be constructed to the Murphy Parcel that is economically feasible and practically viable, the driveway must be constructed through land other than the Flagpole. The Recreation Area, since it is owned by Mr. Murphy, is a viable path for a driveway. But, because the Recreation Area Parcel was platted as a recreation area, the plat for the Neighborhood must be revised. Additionally, to afford the Murphy Parcel and the Recreation Area Parcel (as combined) one hundred feet (100’) of road frontage, they must be combined with a portion of the Williams Parcel as one (1) Lot on the plat for the Neighborhood.

² Chapter 104 of the Code of Fayette County, Georgia.

B. The Williams Parcel

The Board of Commissioner's approval of the division of the Carne Parcel to create the Williams Parcel and the 2020 Carne Parcel has afforded the Williamses a homesite next to family. In order to expand the potential home sites on the Williams Parcel, the Williamses desire to increase the width and acreage of their Lot. Specifically, the Williamses would like to acquire a portion of the Recreation Area Parcel and two (2) acres of the Murphy Parcel.

C. The Carne Parcel

Mr. Carne would like to construct (in the same architectural style as his home) a garage for his home on the rear, southeastern portion of his property. Finding an ideal location for the garage on the Carne Parcel, however, has proven difficult due to existing flood plain and setbacks under the Zoning Ordinance. To provide him with additional area to site a garage, Mr. Carne would like to acquire the portion of the Flagpole that is contiguous with the 2020 Carne Parcel.

III. THE APPLICATIONS

A. The Plat Revision Application

To afford the Murphy Parcel an economically viable use under the Zoning Ordinance and the Development Ordinance, give the Williams Parcel a larger buildable area, and give the Carne Parcel a location for a garage, the Plat Revision Application seeks to take four (4) parcels—(a) the Murphy Parcel (shaded blue in Figure 8 on page 11); (b) the Recreation Area Parcel (also shaded blue in Figure 8 on page 11); (c) the Williams Parcel (shaded purple in Figure 8 on page 11); and (d) the 2020 Carne Parcel (shaded orange in Figure 8 on page 11)—and create three (3) Lots all within the Neighborhood.

The resulting Lots would be as depicted on the concept plan attached hereto as Exhibit "A" attached hereto (the "**Concept Plan**") and submitted with the Plat Revision Application. Figure 8 (on the following page) overlays the boundary lines for the Lots shown on the Concept Plan with the existing boundary lines shown in Figure 7 for (a) the Murphy Parcel; (b) the Recreation Area Parcel; (c) the Williams Parcel; (d) the Carne Parcel; and (e) the surrounding Lots in the Neighborhood. Specifically, the Lots shown on the Concept Plan are as follows:

Lot 1 – 4.085 acres to be owned by Mr. Carne and consisting of the following:

- (a) the *2020 Carne Parcel* (shaded orange in Figure 8 below); and
- (b) the portion of the *Flagpole of the Murphy Parcel* (shaded blue in Figure 8 below) contiguous with the 2020 Carne Parcel.

Lot 2 – 4.656 acres to be owned by Mr. and Mrs. Williams consisting of the following:

- (a) the *Williams Parcel* (shaded purple in Figure 8 below) (less the approximately 0.08 +/- of an acre to be included in Lot 3 as described below);

- (b) two (2) acres from the *Flag of the Murphy Parcel*; and
- (c) approximately 0.24 +/- of an acre of the *Recreation Area Parcel*.

Lot 3 – 7.789 acres to be owned by Mr. Murphy consisting of the following:

- (a) the *Flag of the Murphy Parcel* (less two (2) acres included in Lot 2);
- (b) the *Recreation Area Parcel* (less the 0.24 +/- of an acre included in Lot 2); and
- (c) 0.08 +/- of an acre of the *Williams Parcel*.

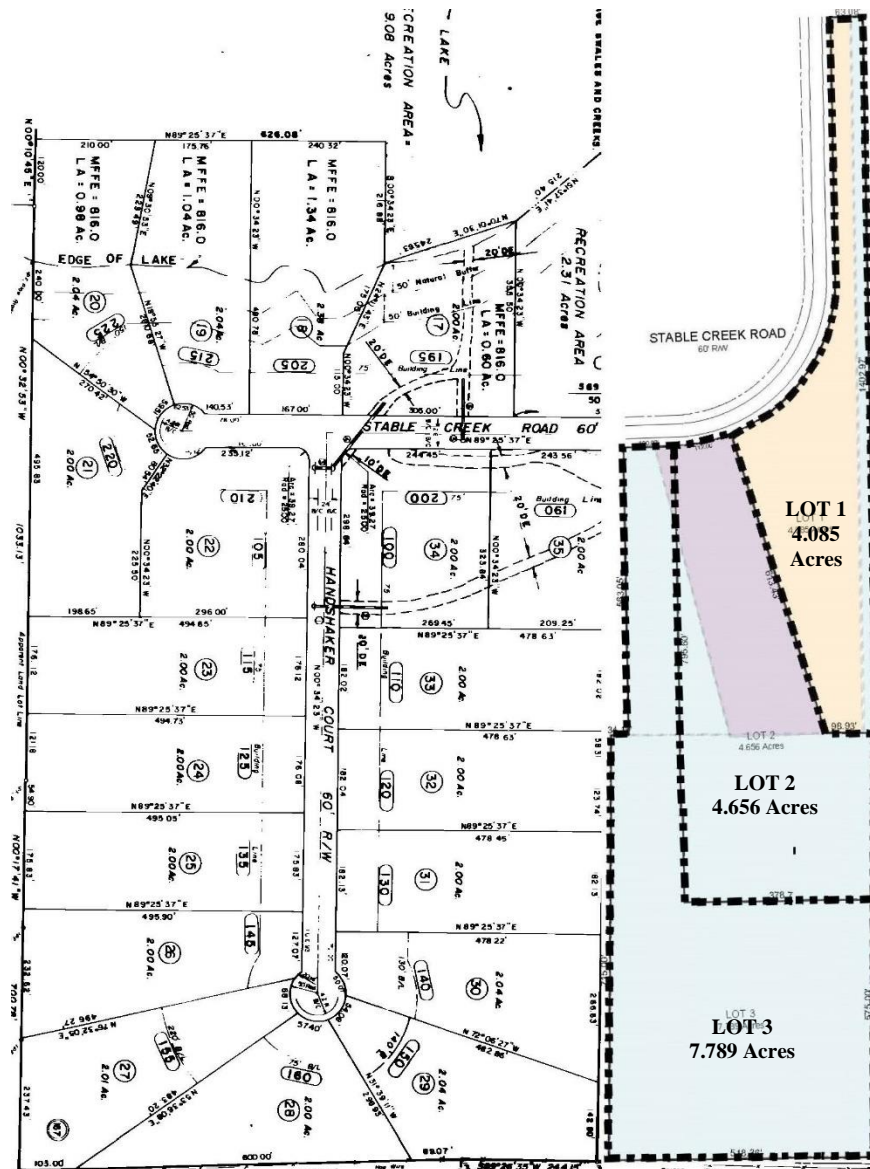


Figure 8 – 2020

Showing the
Concept Plan
overlaid over the
following and their
current boundary lines:

The Williams Parcel
(shaded purple)

The 2020 Carne Parcel
(shaded orange); and

The Murphy Parcel and
Recreation Area Parcel
(both shaded Blue)

The boundary lines for Lot 1 as proposed on the Concept Plan would allow Mr. Carne to construct the accessory structure he desires, a garage built in the same architectural style as his home (the existing residence on Lot 1). The boundary lines for Lot 2 as shown on the Concept

Plan would allow the Williamses a larger buildable area from which to select their ideal homesite and a back yard two (2) acres larger than their original tract. Finally, the boundary lines for Lot 3 will afford Mr. Murphy an economically viable use of his parcel. If the Applications are approved, Mr. Murphy will convey the remainder of the Flagpole (the portion north of Lot 1) to the owners of the Lots in the Neighborhood that are contiguous with the Flagpole, if they desire to take title to the portion of the Flagpole that abuts their respective Lots.

Section 104-595(2)(j) of the Development Regulations provides that any proposed revision to a recorded “major final plat of any existing residential . . . subdivision 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 . . .” The plats for Bay Chappell Farms Phase I and Phase II were “major final Plats” under the Section 104-593 of the Development Regulations because they divided property acquired by Thompson from the Chamberses “into two or more lots” and created new streets “to access said lots.” (Development Regulations § 104-593 (definition of “Plat, major final”)).

The Plat Revision Application seeks to (1) add property to the Neighborhood by including the Flag and a portion of the Flagpole within the Neighborhood; (2) increase the number of platted lots by adding Lot 3 to the Neighborhood; and (3) change the principal use of the Recreation Area Parcel. The factors by which a Plat Revision Application is to be evaluated (the “Plat Revision Factor(s)”) are set forth in Section 104-595 of the Development Regulations. Those factors and an analysis of each are set forth below.

(1) 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 (tree, bushes, shrubbery, etc.) which may provide visual screening.

The Plat Revision Application will not change the street character within Bay Chappell Farms. The only noticeable change to the street character, if the Plat Revision Application is approved, will be the addition of one (1) driveway to access Lot 3. As shown in Figure 9 below, the topography of Lot 3 (and the Murphy Parcel) is such that the ideal home site is to the eastern property line. As a result, when a single-family residence is constructed on Lot 3, it will be set back to the south of Lot 2 and, therefore, will not be visible from Stable Creek Road or any Lot fronting on Handshaker Court.

The front set back established for the other Lots in Phase II of the Neighborhood (labeled as the “building line”) range from seventy-five feet (75’) to two hundred and two hundred and twenty feet (220’). Under the R-72 zoning district, the minimum lot width, which must be met at the building line, is one hundred and fifty feet (150’). Lot 3 will meet the minimum lot width to the south of Lot 3. (Zoning Ordinance § 110-3, 110-132(d)(2)(b)). Additionally, as stated above,

the ideal building site for Lot 3 is towards its eastern property.

Within the Neighborhood, homes vary in how far they are set back from the street. Some homes are set back hundreds of feet, and not visible, from the street. Other homes are less than one hundred feet (100') from the street. Given the diversity in home site selection for the Lots in the Neighborhood, the Plat Revision Application will not create a Lot (i.e., Lot 3) that is out of alignment with the setback or existing residences and accessory structures. Additionally, Lot 3 and the Lots surrounding Lot 3 are heavily forested. As a result, there are a substantial amount of trees that will visually screen a home built on Lot 3 from the surrounding Lots.

Additionally, if the Applications are approved, Mr. Murphy will impose covenants on the resulting Lot 3 that ensure that the single-family residential home built thereon will be consistent in size and architectural style with the homes built on the other Lots in Bay Chappell Farms.



Figure 9– 2020

Showing

Topography of the
Murphy Parcel,
Recreation Area Parcel,
1992 Carne Parcel, and
nearby Lots

Earlier this year, the Board of Commissioners authorized the creation of the Williams parcel. The Plat Revision Application seeks to increase the size of the Williams Parcel. Specifically, it seeks to add acreage to the southern portion of the Williams parcel in exchange for

giving thirty-three (33') feet of road frontage to Lot 3. Stable Creek Road, in contrast, is on the northern side of the Williams Parcel. Accordingly, to the extent that the Plat Revision Application will increase the buildable area for the Williamses, it will not change the street character of the Williams Parcel.

Likewise, with respect to the 2020 Carne Parcel, the Plat Revision Application merely seeks to add a twenty-five (25') foot wide strip of land to Mr. Carne's current parcel, and Stable Creek Road is on the western side of the 2020 Carne Parcel. Thus, the Plat Revision Application, if approved, will not change the street character of the 2020 Carne Parcel.

(2) 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.

The Plat Revision Application will create Lots that are larger than the other lots in the Neighborhood. The majority of the Lots within the Neighborhood are two (2) acres in size. However, if the Plat Revision Application and the Rezoning Application are approved, Lot 3 (7.789 acres) will be limited to use as one (1) single-family building lot, an accessory structure or use thereto, and/or a garden. (Zoning Ordinance § 110-132(b) (Permitted Use under the R-72 zoning district)). Additionally, the Lots (1, 2, and 3) that will be created if the Applications are approved will, at their frontage with Stable Creek Road, be consistent with the other Lots in the neighborhood. The residences on Lot 2 and Lot 3 will be built to the rear of those Lots—hundreds of feet from Stable Creek Road. Therefore, but for the driveways to those single-family homes, the appearance of the Neighborhood and the sizes of the Lots therein will not change or be affected. As a result, the first Plat Revision Factor supports approval of the Plat Revision Application.

(3) 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 lots widths within a range, the average lot width and the degree proposed lots will [be] more narrow than existing lots.

The Plat Revision Application will result in a Lots (Lot 3 and Lot 2) that are wider than other Lots in the Neighborhood. But, those Lots will be approximately one hundred feet (100') and one hundred and twelve feet (112') in width where they meet Stable Creek Road. This road frontage range is consistent with the other Lots in the Neighborhood. The R-72 zoning district requires a lot width of one hundred and fifty feet (150'). (Zoning Ordinance § 110-132(d)(2)(b)). At their widest points Lots 1, 2, and 3 will be approximately ~240.00 feet, 378.75 feet, and 518.36 feet, respectively. While this is wider than the lot width under the R-72 zoning district, the appearance of the Lots from Stable Creek Road and surrounding and adjacent lots will be consistent with the other Lots in the Neighborhood. Above all, at their road frontage and building lines, the Lots proposed by the Plat Revision Application will not be narrower than the existing

Lots in the Neighborhood. Consequently, the third Plat Revision Factor supports approval of the Plat Revision Application.

(4) 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.

The Plat Revision Application seeks to change the use of the Recreation Area Parcel and combine it with (1) the Flag portion of Murphy Parcel (less two (2) acres that Mr. Murphy will convey to the Williamses); and (2) a portion of the Williams Parcel necessary to achieve the one hundred feet (100') of road frontage required under Section 110-67(b) of the Zoning Ordinance. The Recreation Area Parcel will serve as a driveway for Lot 3. The Recreation Area Parcel has never been developed or used as a recreation or common area for the Neighborhood. Mr. Murphy has owned it for almost a dozen (12) years. The Plat Revision Application proposes one (1) single-family residence to be built on Lot 3—a use consistent with and the same as the other Lots in the Neighborhood. Therefore, approval of the Plat Revision Application will not result adversely affect the existing use or usability of adjacent or nearby property.

As noted above, the Murphy Parcel (as a legal, nonconforming lot) could be developed as a currently zoned (and platted) with one (1) single-family residence—if it were economically and practically feasible to construct a driveway the length of the Flagpole. Therefore, approval of the Plat Revision Application will not result in or cause an excessive or burdensome use of existing or planned streets, or other utilities.

Additionally, there are other conditions that support approval of the change of use of the Recreation Area Parcel. First, the parcel is privately owned by Mr. Murphy. Second, the parcel has never been developed or used as a recreation area or common area for the Neighborhood. Third, the Murphy Parcel is a legal, nonconforming lot, but if the Plat Revision Application is approved, that legal, nonconforming lot will be combined with other land to create a legal conforming lot. Finally, the Murphy Parcel is practically landlocked without an economically viable means of access. Based on the above the fourth Plat Revision Factor supports approval of the Plat Revision Application.

B. The Rezoning Application

The Murphy Parcel is zoned A-R, and the Recreation Area Parcel, the Williams Parcel, and the Carne Parcel are zoned R-72. The Plat Revision Application seeks to combine portions of these four (4) parcels to create three (3) parcels—all within the Neighborhood and all containing a portion of what is now the Murphy Parcel. Therefore, if the Plat Revision Application is approved, the result would be the drawing of three (3) Lots all with two (2) different zoning districts (A-R and R-72) applied to each Lot. Section 110-28 of the Zoning Ordinance provides that if a parcel has more than one zoning district applied to it—such as A-R and R-72, in this case—then the parcel must be rezoned to one (1) zoning district, before, among other things, a final plat, site plan,

and/or building permit is submitted.

Therefore, in order to create a buildable lot on each Lot proposed on the Concept Plan, the Murphy Parcel must be rezoned to R-72 consistent with the other Lots in the Neighborhood.³ Consequently, the Rezoning Application requests that the Board of Commissioners rezone the Murphy Parcel (the original 10 acre parcel) to R-72. Section 110-300 of the Zoning Ordinance sets forth the factors by which a Rezoning Application is to be evaluated (the “Rezoning Factor(s)”). Those factors and an analysis of each are set forth below.

(1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;

The Fayette County Comprehensive Plan 2017-2040 (the “**Comp. Plan**”) and the accompanying Future Land Use Plan (“**FLUM**”) designate the Murphy Property as “Agricultural Residential” which plans for development with a density of no less than one (1) unit per five (5) acres. The R-72 Zoning District permits parcels of two (2) acres or more. If this were a request for acreage to be subdivided, R-72 would not conform with the land use plan. However, here, the Rezoning Application is presented in conjunction with the Plat Revision Application, which, if approved, will create a 7.789-acre Lot shown as Lot 3 on the Concept Plan. Therefore, while R-72 does not conform with the Comp. Plan and FLUM, the resulting Lot 3 will conform with the Comp. Plan and FLUM. And, practically, if the Applications are approved, the Murphy Parcel will not be able to be utilized as anything other than one (1) single-family residential Lot within the Neighborhood. Additionally, the remnants of the Murphy Parcel will be added to (a) Lot 2 to create a 4.656 acre parcel; (b) Lot 1 to create a 4.085-acre parcel; and (c) the other Lots in the Neighborhood contiguous with the Flagpole to create incrementally larger lots. Collectively, the density between Lot 1, Lot 2, and Lot 3, as proposed, is *one (1) unit per approximately five and half (5.5) acres*. Therefore, even though the Rezoning Application requests rezoning to a zoning district not listed in the Comp. Plan as compatible with the “Agricultural Residential” planning area, the Rezoning Application supports the policy of the Comp. Plan for that planning area to limit “[r]esidential density . . . to no more than one unit per five acres.” (Comp. Plan, GC-4, L-7 to L-8).

Other policies of the Comp. Plan also support approval of the Rezoning Application. For example, approval of the Rezoning Application would “maintain the character of established communities [and the] suburban neighborhood[]” known as Bay Chappell Farms. (*Id.*, L-24). Likewise, the Rezoning Application, if approved, would “stabilize [the] residential neighborhood[]” Bay Chappell Farms “adjacent to [a] nonresidential [area].” (*Id.*, L-25). Further, if the Rezoning Application is approved, the result will “protect and enhance [the] existing [Bay

³ Should the Board of Commissioners of Fayette County prefer that Lot 3 be zoned A-R (rather than R-72), then please consider this letter a request to table the Rezoning Application and the Plat Revision Application so that the Rezoning Application can be amended and re-advertised in accordance with that preference. If this is the desire of the Board of Commissioners, the resulting Lot 3 would be zoned A-R, and Lot 1 and Lot 2 would be zoned R-72.

Chappell Farms] [N]eighborhood by ensuring that development is of compatible use [and] density/intensity.” (*Id.*, L-24).

Further, approval of the Rezoning Application (and the associated Plat Revision Application) will transform a *legal nonconforming lot* (i.e., the Murphy Parcel) into a *legal conforming lot* (i.e., Lot 3) that complies with the Comprehensive Plan and the FLUM. Specifically, the Murphy Parcel’s 25-foot wide Flagpole does not comply with Section 110-67(b) of the Zoning Ordinance which requires one hundred feet (100’) of road frontage for every residential lot. The Murphy Parcel, nonetheless, is a legal, nonconforming, buildable lot under Section 110-170(a) of the Zoning Ordinance which permits a lot platted before a zoning ordinance provision, such as Section 110-67(b), to be buildable even though the lot does not comply with a subsequently-enacted zoning ordinance provision. Approval of the Rezoning Application will, therefore, further a purpose and policy of the Zoning Ordinance to eliminate nonconforming uses. (*See generally* Zoning Ordinance § 110-170).

(2) *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

If approved, the Rezoning Application will not adversely affect the existing use or usability of adjacent or nearby property. As shown in Figure 2 above (page 3), adjacent and nearby properties are zoned for A-R or for residential use. The majority of the parcels contiguous to the Murphy Parcel are Lots within the Neighborhood. Rezoning the Murphy Parcel to R-72 would make its zoning (and, as a result, its use) consistent with the zoning and use for the Lots within Bay Chappell Farms thereby ensuring that the use of the Murphy Parcel does not adversely affect the existing use or usability of adjacent or nearby properties. Moreover, the three (3) Lots that will result if the Rezoning Application and the Plat Revision Application are approved will have an average density of one (1) unit per approximately five and a half (5.5) acres—consistent with the Comp. Plan and FLUM. Consequently, approval of the Rezoning Application will not affect the use or usability of adjacent or nearby property. Based on the above, the second Rezoning Factor supports approval of the Rezoning Application.

(3) *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools; and*

The Murphy Parcel is currently a legal, nonconforming, buildable lot. As a result, if it were economical to build a driveway the length of the Flagpole, then the Murphy Parcel could be developed with one (1) single-family residential dwelling. Accordingly, rezoning the Murphy Parcel to R-72 will not cause or have the potential to cause an excessive or burdensome use of existing or planned streets, utilities, or schools. In other words, if the Rezoning Application is approved, the resulting density will be the same that could (in theory) be developed on the Murphy Parcel now. Accordingly, the third Rezoning Factor supports approval of the Rezoning Application.

(4) *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or*

disapproval of the zoning proposal.

As noted above, the changing hydrology over the Flagpole portion of the Murphy Parcel and the ever-increasing cost to construct a driveway the length of the Flagpole constitute existing and changing conditions, respectively, affecting the use and development of the Murphy Property. (See Exhibit "B" attached hereto (*U.S. Bureau of Labor Statistics, Producer Price Index by Industry: Cement and Concrete Product Manufacturing*, FRED, FEDERAL RESERVE BANK OF ST. LOUIS, <https://fred.stlouisfed.org/series/PCU32733273>, (last accessed June 10, 2020))). These two factors make it economically and practically impossible to construct a driveway the length of the Flagpole. As a result, the fourth Rezoning Factor supports approval of the Rezoning Application.

IV. CONCLUSION

Based on the foregoing, this Letter of Intent respectfully requests that the Fayette County Board of Commissioners approve (as filed) the Plat Revision Application and the Rezoning Application. Should you have any questions or concerns regarding the request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Jones", written over a horizontal line.

Steven L. Jones

Enclosures
SLJ

cc: Mr. Howard Johnson (hjohnson@fayettecountyga.gov)

EXHIBIT "A" **CONCEPT PLAN**

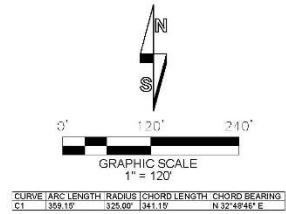
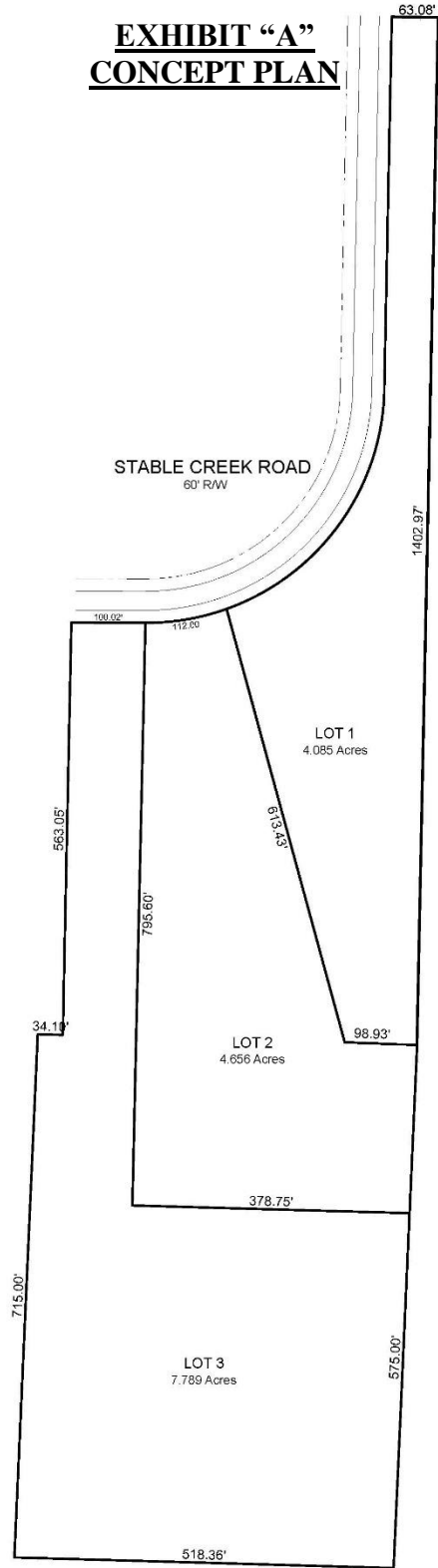
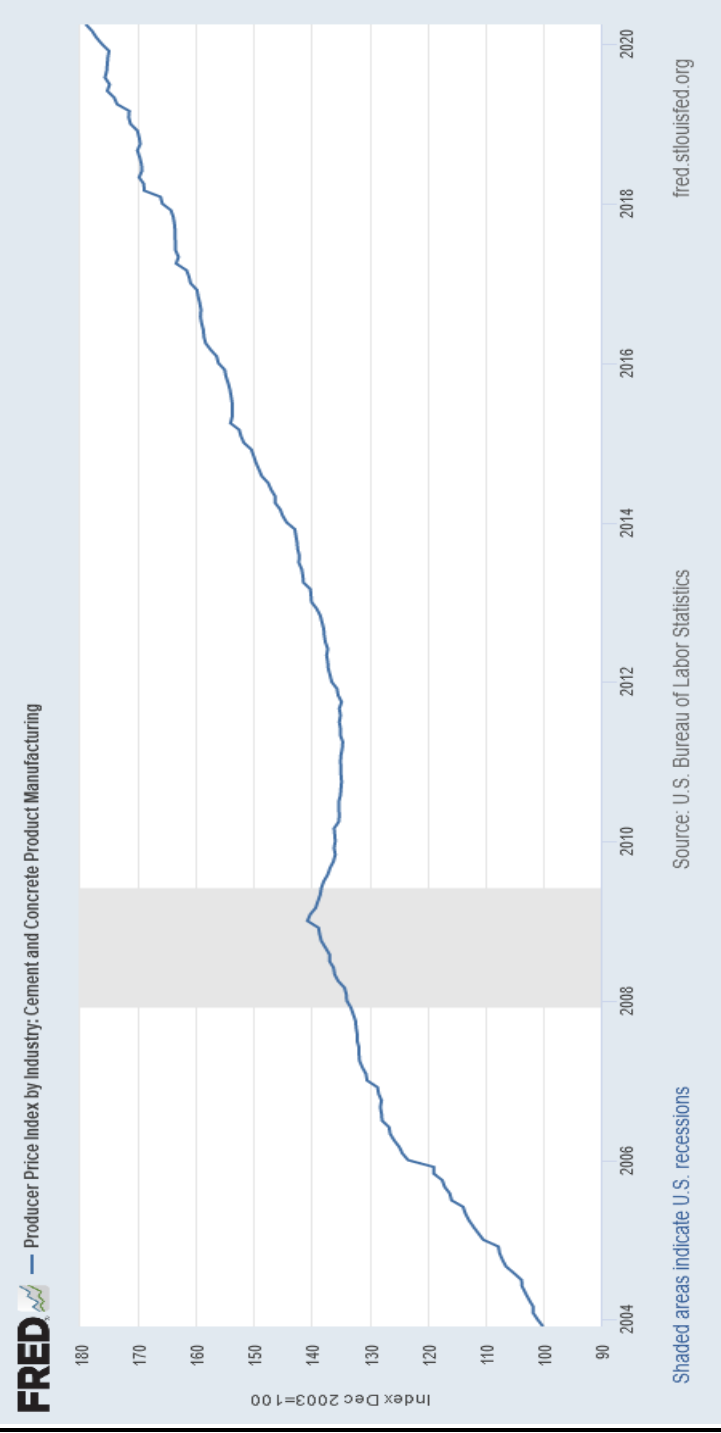


EXHIBIT “B”
HISTORIC PRODUCER PRICE INDEX FOR CEMENT AND CONCRETE PRODUCT
MANUFACTURING INDUSTRY



Pete Frisina

From: Dick Carne <dickcarne@gmail.com>
Sent: Friday, June 26, 2020 12:20 PM
To: Pete Frisina
Subject: Fwd: Bay Chappell Farms Subdivision - Proposed plat amendments

External Email Be cautious of sender, content, and links

Hi Pete -

I enjoyed seeing you the other day, and very much appreciate all of your guidance and assistance in helping me with the proposal to divide my lot late last year. I thought that I would pass along a copy of a memo that I sent out a few minutes ago to my neighbors here in Bay Chappell Farms concerning the new pending proposal now under consideration as presented earlier by Steven Jones. I don't know that this really adds anything, but in the interest of full disclosure, I wanted you to be aware of what I have done. Once again, I appreciate you and all of the staff there for your welcoming and helpful demeanor on every occasion that I have had to review ideas and concepts with you all - always a very warm feeling when I leave.

Thanks again for all -

Dick

Begin forwarded message:

From: Dick Carne <dickcarne@gmail.com>
Subject: Bay Chappell Farms Subdivision - Proposed plat amendments
Date: June 26, 2020 at 12:08:33 PM EDT
To: "bevmob@bellsouth.net" <bevmob@bellsouth.net>, "beecee19@comcast.net" <beecee19@comcast.net>, "whitneya@comcast.net" <whitneya@comcast.net>, "bobjerly@bellsouth.net" <bobjerly@bellsouth.net>, "cdrush10@gmail.com" <cdrush10@gmail.com>, "chris@collinsimages.com" <chris@collinsimages.com>, "marthaannfox@comcast.net" <marthaannfox@comcast.net>, "James Fox (patfoxnwa@bellsouth.net)" <patfoxnwa@bellsouth.net>, "Barbara Fox (bqfox@bellsouth.net)" <bqfox@bellsouth.net>, "nofuse@cox.net" <nofuse@cox.net>, "julihall@bellsouth.net" <julihall@bellsouth.net>, "LDS6@yahoo.com" <LDS6@yahoo.com>, "joansteele1@yahoo.com" <joansteele1@yahoo.com>, "aru@bellsouth.net" <aru@bellsouth.net>, "wrmcnally@mindspring.com" <wrmcnally@mindspring.com>, "jmc23@att.net" <jmc23@att.net>, "jstubbs@allanvigilford.com" <jstubbs@allanvigilford.com>, "acoker1@bellsouth.net" <acoker1@bellsouth.net>, "debhemb@bellsouth.net" <debhemb@bellsouth.net>, "mom4@yahoo.com" <mom4@yahoo.com>, "mansulich@gmail.com" <mansulich@gmail.com>, "andrews.lindaj@gmail.com" <andrews.lindaj@gmail.com>, "spgable@earthlink.net" <spgable@earthlink.net>, "elliottPL@att.net" <elliottPL@att.net>, "Jwlw82060@aol.com" <Jwlw82060@aol.com>, "kirkesfamily@bellsouth.net" <kirkesfamily@bellsouth.net>, "mchuckmartin@aol.com"

<mchuckmartin@aol.com>, "mothbrn@bellsouth.net" <mothbrn@bellsouth.net>, "Rbuckner77@comcast.net" <Rbuckner77@comcast.net>, "ralphemerson3@comcast.net" <ralphemerson3@comcast.net>, "chattokat@comcast.net" <chattokat@comcast.net>, "doobie1952@aol.com" <doobie1952@aol.com>, Cynthia Williams <cynthiawilliams84@gmail.com>, "Steven L. Jones" <sjones@boviskyle.com>, Eric Williams <williams12dew@gmail.com>

Status Update ... and my appreciation for your support

Late last year I sent out an e-mail to my friends and neighbors in the subdivision with the intent of explaining my then pending request with the County to subdivide my property into two lots, so that my oldest daughter and her family could construct a new home toward the back on a newly created 2.4 acre lot, to be derived from the 5.74 acre lot that was initially platted as my Lot 36. Several of you had offered your support in an e-mail, and I very much appreciate the time and consideration that was represented by these actions. The Fayette County Planning and Zoning Committee and the Board of Commissioners issued an approval of this request in January. As a result, Cynthia and Eric (Williams) and their two small children have sold their home in McDonough, and have moved in with us while they make plans to build their new home "next door".

Since this transaction was approved, Cynthia and Eric have also had several conversations with Mr. Bill Murphy (Mr. Murphy owns the property immediately behind that of Cynthia and Eric's). Mr. Murphy also owns the remnants of the originally platted "Recreation Area" which currently has roughly sixty-seven feet of road frontage on Stable Creek Road, and is comprised of another roughly 1.46 acres. Mr. Murphy purchased this property for back taxes in 2008 when it was placed for sale by Fayette County. Cynthia and Eric have expressed their interest in purchasing another two acres from Mr. Murphy to be carved out of Mr. Murphy's original ten acre tract (Mr. Murphy's original property consisted of roughly ten acres, but of this, roughly an acre-and-a-half were taken up by a

25-foot access strip off Chappell Road; this 25-foot strip is currently Mr. Murphy's only access to his property, and runs behind all five of those subdivision lots on the eastern side of the neighborhood). As a part of this proposed transaction, Mr. Murphy has also asked that this transaction include Cynthia and Eric transferring roughly 33 feet of road frontage to allow Mr. Murphy to have a revised minimum of 100 linear feet of road frontage on Stable Creek Road in order to conform to, and comply with, current County road frontage requirements (the County now requires that each and every property in a subdivision have a minimum of at least 100 feet of linear road frontage per building lot - by having only 100 feet of road frontage, this by definition would limit Mr. Murphy to no more than one single building lot despite having over seven acres). By being able to access his property from Stable Creek Road rather than the original 25-foot access strip, Mr. Murphy would then have a much more direct access to his property (albeit still roughly 800 feet to the beginning of any new proposed building site). In that vein, Mr. Murphy has agreed to convey without charge that portion of his original 25-foot accessway to those property owners whose property immediately adjoins that portion of this strip. This would seem to benefit not only Mr. Murphy, Cynthia and Eric, but also those five property owners who might otherwise have a future driveway in their backyard (so to speak).

Because the County requires that each building lot now have 100 feet of road frontage, and the fact that Mr. Murphy would have only that amount available (and therefore could build no more than one structure) this should allay any concerns that folks might otherwise have concerning the prospect of multiple building lots stemming from this transaction. Consequently, if approved, Mr. Murphy's only access to this property would then be limited to a single driveway access through the old

“Recreation Area”, and stretching almost 800 feet long before reaching his new revised property line. By fronting Stable Creek Road, Mr. Murphy would like to have this property annexed into the Bay Chappell Farms subdivision, thereby rendering that single building lot subject to all of the building standards, codes, and other requirements and restrictions imposed on other properties in our Bay Chappell Farms subdivision.

Late last week the County Planning and Zoning Department placed a notice of hearing along the lower portion of the street in front of Mr. Murphy’s property, advising of an upcoming public hearing to consider his pending request to make these changes, and to include Mr. Murphy’s proposed revised 7.79+/- acre tract into the Bay Chappell Farms subdivision. As previously noted, incorporation of this property into the subdivision would then subject that property to those same covenants and restrictions as are imposed on other subdivision properties (minimum building size, set-backs, code stipulations, etc.). To aid in an understanding of the proposal under consideration, I have attached a somewhat reasonably accurate scaled drawing showing those already approved changes related to the division of my property and conveyance to my daughter and her husband (Lots 1 and 2), and the newly revised proposal for Mr. Murphy’s lot (Lot 3). I have also included an overall drawing to include our neighbors’ properties on Handshaker Court, so that everyone may clearly see the proximity and relative size to all properties affected.

In my opinion, this proposal seems to provide an overall benefit to the entire subdivision. Approval of this proposal would:

- 1.

add a new single building lot subject to those same building requirements as other Bay Chappell Farms subdivision properties, and having almost eight acres;

2.

provide Cynthia and Eric with an enlarged single homesite of almost 4.5 acres;

3.

allow all five property owners on the eastern side of Stable Creek Road to acquire an additional 25 feet of depth to their backyards without cost;

Similarly, I can see no real downside to the addition of this proposed single lot, because:

1. County requirements limit each new subdivision lot to a minimum of at least 100 linear feet of road frontage, so there can be no more than one new lot to be added from this transaction;

2. By transferring ownership of Mr. Murphy's current access strip to those property owners whose property this strip adjoins, those property owners who would stand to gain additional property from Mr. Murphy's conveyance of that property, should experience a modest increase in their respective property values, thereby indirectly affecting overall property values within the entire Bay Chappell Farms subdivision.

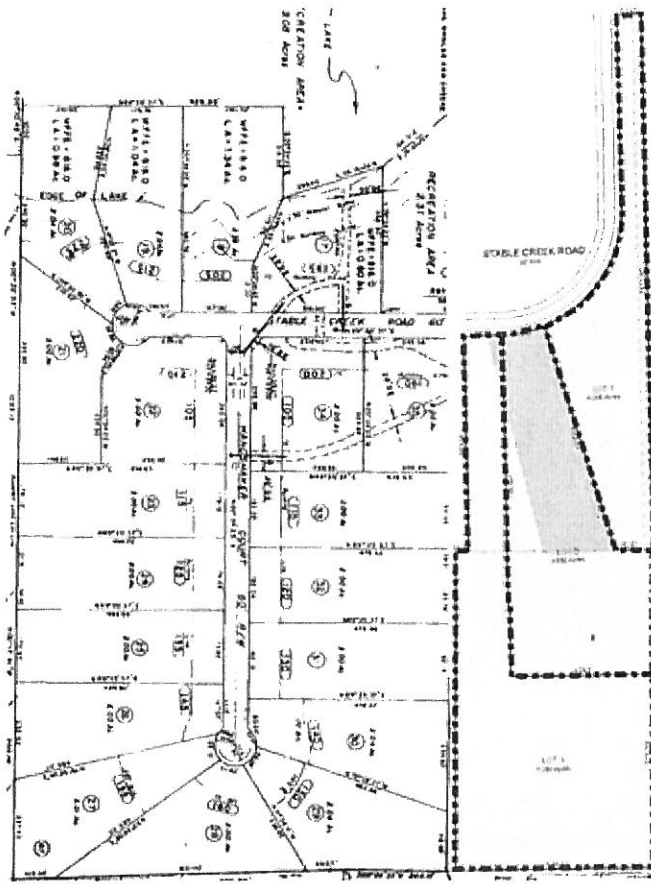
In summary, the purpose of this note is therefore two-fold: first, to express my deep and sincere appreciation to everyone for their support of my previous request earlier this year to allow my daughter and her family to build a new home immediately adjacent to mine; and second, to ask for everyone's favorable consideration of the within referenced property revisions to include a resulting and simultaneous incorporation of a new

single building lot comprised of a roughly 7.8 acre revised tract owned by Mr. Murphy, and an additional two acres from Mr. Murphy to be added to the rear of that property now owned by Cynthia and Eric. I wanted to make certain that everyone in the subdivision was made aware of the true nature of this latest proposal under consideration, and to the greatest extent possible, hopefully allay any questions and/or concerns surrounding any perceived negative aspects of this proposal. I hope that this memo may address any issues that anyone may have, but if not, please do not hesitate to contact me in the event that you might have any further thoughts or concerns. If you might feel comfortable in registering your support for this proposal, I would greatly appreciate either your attendance at the upcoming hearing, or in the alternative, perhaps a return e-mail note expressing your concerns and/or approval. Regardless, I thank you all once again for your continued support and friendship. I am grateful to be a part of such a great community!

Dick Carne

770-719-1188

770-940-9044 (Cell)



This drawing shows the revised property lines approved in January to allow my property to be split into two parcels, the first highlighted in orange, to show my current lot, and the second portion highlighted in purple, to indicate that portion now allocated for my daughter and her family. Those portions highlighted in blue show Mr. Murphy's current property. The dotted black lines indicate the proposed revised lot layouts (Lots 1, 2 and 3) if approved, and after the sale of an additional two acres from Mr. Murphy to my daughter and son-in-law.

REQUESTED ACTION: A-R to R-72

PROPOSED USE: Single-Family Residential

EXISTING USE: Undeveloped

LOCATION: Chappell Road

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 167

OWNER: William T. Murphy

AGENT: Steven L. Jones (Bovis, Kyle, Burch & Medlin, LLC)

PLANNING COMMISSION PUBLIC HEARING: July 2, 2020

BOARD OF COMMISSIONERS PUBLIC HEARING: July 23, 2020

APPLICANT'S INTENT

Applicant proposes to rezone 10.00 acres from A-R to R-72 to add property to the Bay Chappell Farms Subdivision (associated with Revised Plat RP-076-20 application).

STAFF RECOMMENDATION

APPROVAL WITH ONE (1) CONDITION

1.

1292-20

INVESTIGATION

A. PROPERTY SITE

The subject property is a 10.00 acre tract fronting on Chappell Road in Land Lot 167 of the 4th District. Chappell Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property is undeveloped.

History: The subject property is a portion of a parcel of approximately 119 acres owned by Lloyd and Rosemary Chambers which they purchased in 1981. The applicant purchased the subject property in 1986. In 1988, the Chambers submitted rezoning application 696-88 to rezone 108.43 acres of the 119 acre parcel from A-R to R-60 which was approved by the Board of Commissioners on September 22, 1998. This property would become Bay Chappelle Farms Subdivision. The R-60 zoning district was deleted from the zoning ordinance in 1998 and all properties in the R-60 zoning District were put into the R-72 zoning district.

The following are the conditions of the rezoning:

1. That the total number of lots shall not exceed 43 for the 108.43 acres zoned.
2. That no structure shall front on or have direct access to Chappell Road.
3. That all structures shall be set back at least 80 feet from the right-of-way of Chappell Road.
4. To provide an UNDISTURBED or planted buffer at least 20 feet deep along the right-of-way of Chappell Road, said buffer being indicated on the final plat of the subdivision.

B. SURROUNDING ZONING AND USES

The general situation is a 10.00 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-72, R-85, 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:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.46	R-72	Labeled as Recreation Area on Final Plat	Agricultural Residential (1 Unit/5 Acres)
	5.75	R-72	Single-Family Residential	
	2.0	R-20	Single-Family Residential	
	15.0	A-R	Single-Family Residential	
South	6.0	A-R	Single-Family Residential	Agricultural Residential (1 Unit/5 Acres)
	5.3	A-R	Single-Family Residential	
East	9.57	A-R	Single-Family Residential	Agricultural Residential (1 Unit/5 Acres)
	2.0	A-R	Undeveloped	
	5.0	A-R	Single-Family Residential	
	7.0	A-R	Single-Family Residential	
	6.2	R-85	Single-Family Residential	
	6.2	R-85	Single-Family Residential	
	12.0	A-R	Single-Family Residential	
West	2.0	R-72	Single-Family Residential	Agricultural Residential (1 Unit/5 Acres)
	2.0	R-72	Single-Family Residential	
	2.0	R-72	Single-Family Residential	
	2.4	R-72	Single-Family Residential	
	2.0	R-72	Single-Family Residential	
	2.0	R-72	Single-Family Residential	
	2.04	R-72	Single-Family Residential	
	2.04	R-72	Undeveloped	

C. COMPREHENSIVE PLAN

The subject property lies within an area designated as Agricultural Residential (1 Unit/5 Acres). The proposed lot size of Lot 3 at 7.789 acres, as indicated on the lot layout Concept Plan, conforms to the density standard for the Agricultural Residential character area, but the requested R-72 zoning district is not one of the zoning districts permitted in that character area. As the subject property is proposed to access Stable Creek Road in the subdivision, it would properly be considered a part of the subdivision and would require re-platting of the land included within this application.

The approval of this request could also serve as an impetus to other property requests for rezoning districts that require less than a five (5) acre lot size or density and thus increasing the overall density of the southern portion of the county. To protect against that contingency, staff will recommend the following condition should the rezoning petition be approved:

That Lot 3, as indicated on the lot layout Concept Plan, shall maintain a minimum five (5) acre (217,800 square feet) lot size.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-72 to add property to the Bay Chappell Farms Subdivision and this rezoning is associated with an application (RP-076-20) to revise the Final Plats of Bay Chappell Farms to add property to Bay Chappell Farms Subdivision, create an additional lot in Bay Chappell Farms Subdivision, and change the principal use on a lot labeled Recreational Area (Bay Chappell Farms Phase Two) to residential use. The subject property is a nonconforming lot as the lot has only 25 feet road frontage, legal at the time when the lot was recorded, instead of 100 feet of road as is currently required.

Rezoning from A-R to R-72 is necessary to comply with Sec. 110-28. - Boundary rule. (4) which states:

In addition, any development which results in or is located on a lot with multiple zonings shall be rezoned to one zoning district prior to submittal of a preliminary plat, final plat, minor subdivision plat, site plan, and/or building permit, as applicable.

Bay Chappell Farms subdivision currently contains 40 lots. The aforementioned rezoning condition #1 above limits the total number of lots to 43 in the subdivision. The addition of two lots, as is proposed in conjunction with petition RP-076-20, will bring the total number of lots up to 42 which complies with the condition.

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 applicant indicates access will be from Stable Creek Road.

E. DEPARTMENTAL COMMENTS

Water System

“Lot 1” (Lot 36 Bay Chappell Farms/170 Stable Creek Rd.) has an existing water service at or very near its original western property line, the additional road frontage being granted for “Lot 2” and “Lot 3”, places this water service on future “Lot 3”. This water service will need to be relocated onto future “Lot 1” or used as a future water service for future “Lot 3” and a new water service installed for future “Lot 1”, at the expense of the developer. Additionally, water service will need to be installed for future “Lot 2”, at the developers expense. Also any other conflicts that arise with FCWS facilities as a result of this re-plat must be resolved by the developer with coordination through FCWS.

Public Works/Engineering

No Engineering comments on the proposed rezoning.

Environmental Management

Floodplain	The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0113E and 13113C0083E dated Sept 26, 2008. The property DOES contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.
Wetlands	The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers <u>prior</u> to issuance of any permits from Fayette County for any phase of development affecting wetlands.
Watershed	The watershed protection ordinance WOULD apply to this property.
Groundwater	The property IS NOT within a groundwater recharge area.
Stormwater	This development IS NOT subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

No objection to rezoning and revision to the plat. However, records indicate that there are challenging soils in this area and submission of a red stamped level 3 soils report will be needed for all of the lots.

Fire

Approved

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-72 to add property to the Bay Chappell Farms Subdivision and this rezoning is associated with an application (RP-076-20) to revise the Final Plats of Bay Chappell Farms to add property to Bay Chappell Farms Subdivision, create an additional lot in Bay Chappell Farms Subdivision, and change the principal use on a lot labeled Recreational Area (Bay Chappell Farms Phase Two) to residential use.. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated as Agricultural Residential (1 Unit/5 Acres). The proposed lot size of Lot 3 at 7.789 acres, as indicated on the lot layout Concept Plan, conforms to the density standard for the Agricultural Residential character area, but the requested R-72 zoning district is not one of the zoning districts permitted in that character area. As the subject property is proposed to access Stable Creek Road in the subdivision, it would properly be considered a part of the subdivision and would require re-platting of the land included within this application.

The approval of this request could also serve as an impetus to other property requests for rezoning districts that require less than a five (5) acre lot size or density and thus increasing the overall density of the southern portion of the county. To protect against that contingency, staff will recommend the following condition should the rezoning petition be approved:

That Lot 3, as indicated on the lot layout Concept Plan, shall maintain a minimum five (5) acre (217,800 square feet) lot size.

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 an Agricultural Residential (1 Unit/5 Acres) district maintaining a five acre density and the recommended condition support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH ONE (1) CONDITION.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **R-72 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 Lot 3, as indicated on the lot layout Concept Plan, shall maintain a minimum five (5) acre (217,800 square feet) lot size.

R-20

R-20

R-20

Rezoning 1292-20 & Revised Plat RP-076-20 Zoning

Chappell Road

R-72

A-R

Stable Creek Road

Revised Plat
Bay Chappell
Farms
RP-076-20

Rezoning
1292-20
A-R to R-72

R-85

**Rezoning 1292-20 &
Revised Plat RP-076-20
Land Use Plan**

Chappell Road

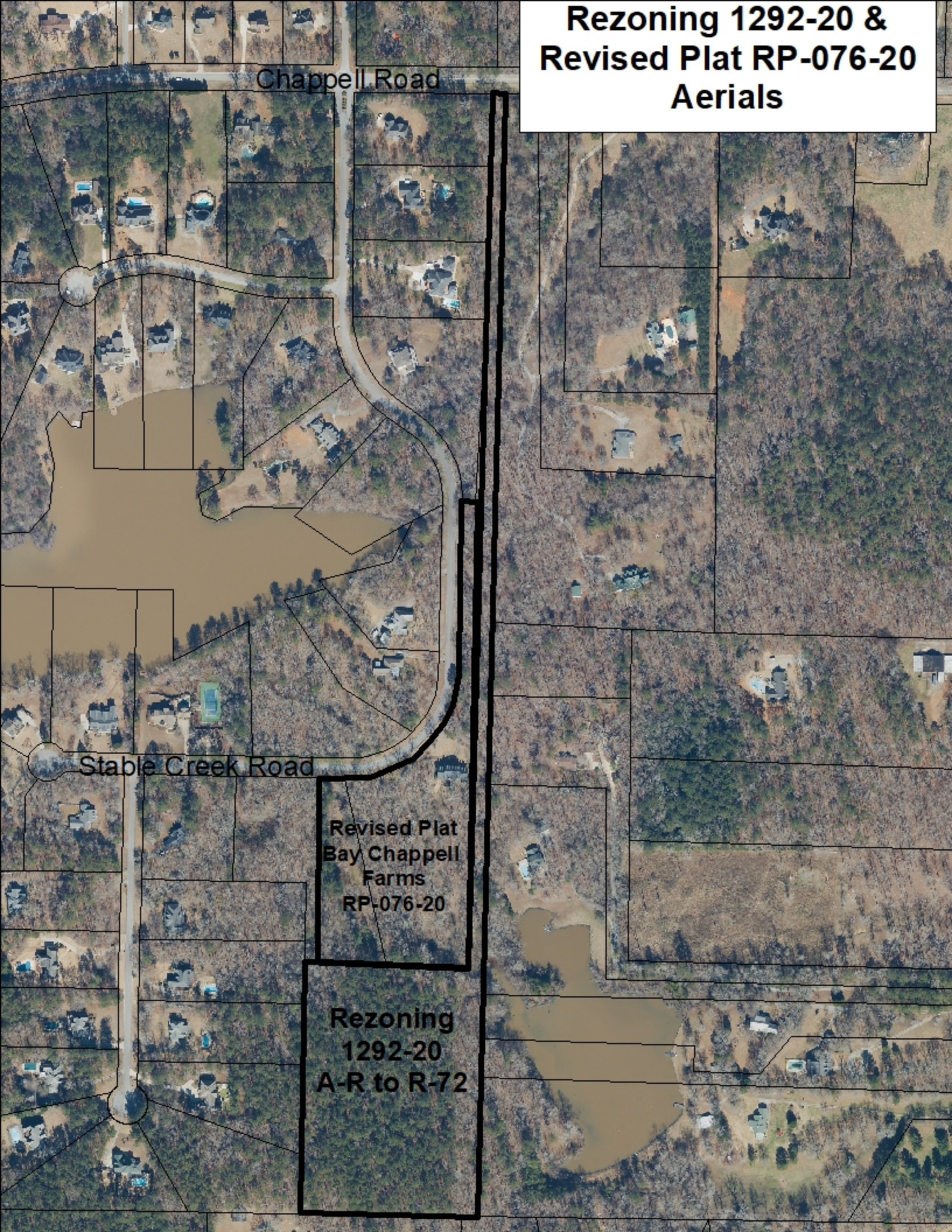
AGRICULTURAL
RESIDENTIAL

Stable Creek Road

Revised Plat
Bay Chappell
Farms
RP-076-20

Rezoning
1292-20
A-R to R-72

Rezoning 1292-20 & Revised Plat RP-076-20 Aerials



Rezoning 1292-20 & Revised Plat RP-076-20 Zoning Proximity

