

BOARD MEMBERS

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

STAFF

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

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
October 6, 2022
7:00 pm

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

1. Consideration of the Minutes of the meeting held on September 1, 2022.
2. Consideration of 2023 Planning Commission meeting dates.

NEW BUSINESS

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park, Phase Five (Lots 114 – 118).
4. Consideration of a Minor Final Plat for Williams Farm.

PUBLIC HEARING

5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road.
6. Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7th District and fronts on S.R. 54 and Tyrone Road.

7. Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7th District and fronts on Tyrone Road.
8. Consideration of Petition No. 1324-22C Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7th District and fronts on Tyrone Road.
9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7th District and fronts on Tyrone Road.
10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5th District and fronts on Redwine Road.
11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5th District and fronts on Highway 85 North. **(This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

THE FAYETTE COUNTY PLANNING COMMISSION met on September 1st, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Deborah Bell, Planning and Zoning Director
Chelsie Boynton, Planning and Zoning Coordinator

NEW BUSINESS

1. Consideration of the Minutes of the meeting held on August 4th, 2022.

John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4th, 2022. Danny England seconded the motion. The motion passed 5-0.

2. Consideration of a Minor Final Plat for Larry Knight.

Chairman Martin asked if the petitioner was present. They were not. He asked if there was anything additional that staff would like for the Board to know. There was nothing additional. He brought the discussion to the Board and asked for questions or comments. There were none.

Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England seconded the motion. The motion passed 5-0.

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5th District and fronts on South Sandy Creek Road.

Debbie Bell stated the petitioner has the option of three (3) separate hearings for each parcel or one (1) public hearing to discuss all three (3) petitions.

Chairman Martin asked if the petitioner was present.

Mr. Richard Lindsey stated he would do one (1) public hearing to discuss all three (3) parcels. He stated he is an attorney in Peachtree City and is representing David Burnett. He introduced Christopher Chitwood, manager of Fayetteville. He stated he is seeking the rezoning of the north east corner of Sandy Creek Road and Highway 54 from R-70 to Community Commercial.

He stated Mr. Burnett wants to relocate the Ford Dealership that is currently on Highway 85 in downtown Fayetteville to this location. The property consists of about 40 and a half acres and is bordered by the city of Fayetteville on two (2) sides. He stated across Sandy Creek Road is a hospital. He stated the area that surrounds it is largely commercial, there's a hotel in the area, a large retail shopping center, and not far from Trilith studios and Trilith developments. He stated the current zoning is out of touch with the surrounding properties. He stated the County has recognized this in the 2017 Comprehensive Plan and has called for the future use of this property to be Office Institutional. He stated there are already medical offices and several other offices in the area. He stated a number of properties have already been zoned Office Institutional and have not yet been developed. He stated by their contention there is no need for additional office in this area. He stated Mr. Burnett is proposing to relocate his Ford Dealership from the old facility in Fayetteville. He stated this property being rezoned to C-C would present less traffic than medical offices. A medical office will have patients coming in and out all day long, the staff, the traffic into the area would be far worse than it would be if the property was developed as proposed. He stated Mr. Burnett is proposing to build an attractive dealership, situated to minimize and impact visually Highway 54 and Sandy Creek Road. The plan will include landscaping and design to make it attractive. He stated dealerships are no longer like they used to be. He stated there used to be acres and acres of asphalt. Today, buyers can go online, look at vehicles on the internet, shop around virtually, and then make an appointment to go to the dealer. He stated there are more dealerships across the country that are becoming more of a destination location. He stated this is Mr. Burnett is proposing. He wants to make this a center where car enthusiasts can go and see the products that are out there on the marketplace but also have entertainment and recreational activities. He stated they are proposing a walking trail, a dog park, and potentially a pickle ball court. He stated these are things the customer can do while waiting for the car to be serviced or if children are there while adults are viewing vehicles. He stated he's gone online and there are several dealerships across the country have many recreational things to do for customers. He stated Mr. Burnett wants to make this a destination place that is very attractive and an area for the community, a tax generator for the County. He stated the business license and property taxes, both personal and automobiles when they're in inventory, and real property taxes will be a great benefit to the County. He stated this is not a large user of services such as police and fire. He stated this would be a positive tax generator for Fayette County. He stated he has read the staff memo and there are several conditions if approved and his client is in agreement with all of them. He stated he would be happy to answer questions.

Chairman Martin asked if there was anyone to speak in support.

John Donadeo stated he started to speak in opposition but after visiting with Chris this afternoon at the Ford dealership. He stated their showroom has no cars in it because of all the people, so they do need expansion. He stated his discussion with Chris centered around expansion. He stated there are three (3) or four (4) available lots behind their current dealership but they have one hold out so they aren't able to expand. He stated one option would be for them to rebuild but that could be more costly. He stated they were looking to have an entrance on or off Highway 54 but when he spoke to staff at Planning and Zoning he found they were leaning away from that. He stated one of the things he noticed about the gas station on

Gingercake Road near the intersection is that there have been some pretty bad accidents there. He stated he would rather traffic code be looked at closely. He stated the traffic for medical or this dealership is going to be comparable, he doesn't see much difference. He stated the amenities doesn't make much of a difference to him. He stated the main gist is that this dealership has been with Fayette ever since he can remember. He stated he started off opposing this, he thinks it's a good thing. He stated he went by there and they were logged out, there weren't many trees in the area. There are two (2) or three (3) houses and one of them looks pretty rough. He stated there's illegal dumping in the area. He stated there's nothing else out there. He stated when he moved to Fayette County they were widening it and he expected this big rush. He stated for this to come now, he's surprised it took them this long. He concluded that he doesn't see an issue with it.

Chairman Martin asked if there was anyone else that would like to speak in favor. There were none. He asked if there was anyone that would like to speak in opposition.

R.J Gipaya stated he was the Watershed Specialist for the Flint River Keeper, He stated they are an organization dedicated to the reservation and preservation of water quality and water flow of the Flint River and all of its tributaries. He stated they work with streams, wetlands, tributaries and aquifers. He stated approximately 3,000 people support this work and 1,000,000 people benefit from their efforts to ensure enough clean water for all of the Flint. He stated he is speaking on behalf of the 300 members, the executive director, Gordon Rogers, the staff, and the 19 member board of directors. He stated they opposed the granting of the rezoning request and are pleased to see the staff recommending against it. He stated their position rest on two (2) pillars. The first is the Comprehensive Plan. He stated it does not provide for this type of development. He stated the zoning it presents isn't appropriate for the neighborhood features and the aquatic environment. Sandy Creek, Whitewater Creek, and Lake Bennett are all vital hydrological assets of the upper Flint. He stated increasing amounts of runoff and unavoidable pollution that would come from automotive dealerships and shops would generate an unhealthy situation for decades to come. He stated it would increase streambank erosion, it would fill in wetlands in Lake Bennett. He stated the second pillar is this particular area is already experiencing a massive load of pollutant runoff from poorly managed construction and development. He stated water quality is being diminished and property values are threatened. Adding to the amount of pavement and rooftops allowed by this rezoning would put additional stress on the system. He asked that the board would please deny.

Vasana Smith stated her concern is according the Fayette County Comprehensive Plan the current zoning of the parcels are R-70 and the future is O-I. She stated she does not want a car dealership or multiple car dealerships. She stated she is also concerned about the dealership being across from the hospital. Traffic could significantly delay emergency vehicle and patients driving to the emergency room. She stated this is life and death. She stated it could pave the way for future large industrialization along the Highway 54 corridor. She stated the current infrastructure, both Highway 54 and Sandy Creek Road is wholly inadequate for the kind of traffic this development would generate. She stated her environmental concerns are there are significant elevation differences between the proposed site and Lake

Bennett/Whitewater Creek. Lake Bennett is downslope by 100 ft leading to the very real possibility of runoff from the development to Lake Bennett and Whitewater Creek. She stated there is a possibility that if not contained properly, hazardous waste could contaminate Lake Bennett and Whitewater Creek, underground water stores, and surrounding areas. She stated the oil, gas, break fluid, and antifreeze will run down. She stated Whitewater Creek is an environmentally sensitive area as shown on the Fayette County Water System Map. Lake Bennett is fed and serves as an outgo to Whitewater Creek. There is at least one (1) endangered species in Whitewater Creek; there may be more. In addition, the wetlands upstream from Lake Bennett is an environmentally sensitive area. She stated Lake Bennett is the major feature of the community/neighborhood. This is threatening to her living peacefully on the lake. She stated the community is deeply concerned about this rezoning proposal and strongly urge the Board to deny rezoning the property in question from R-70 to C-C. She stated she has lived in Fayette County for 32 years and loves Fayette County the way it is. She stated there is nothing wrong with the dealership it is just not suitable for in the middle of residential. She stated she rather see the zoning stay the way Pete Frisina, the Commissioners, and the County attorney set in the Comprehensive Plan. She stated the community would rather see a healthcare facility. She stated if you need a healthcare specialist you have to go to the north side of town, one (1) hour away. She stated the community benefits from healthcare. She stated when someone is dying they don't need a car, they need a hospital. She stated the medical offices will come and the community will need it because everyone is getting older. She stated the County does not have enough assisted living but has a lot of commercial. She added this commercial could go up north near the pavilion or somewhere else but not here. She stated the dealership will affect the people that live there and the environmental will affect their homes and how they live tremendously. She asked who will be responsible for a gas leak or oil leak? Who will take the responsibility? She thanked the Board.

Chairman Tate asked if there was anyone else who would like to speak in opposition and stated there was eight (8) minutes and 35 seconds left out of the twenty minutes for opposing statements.

Wayne Williams stated he has been a resident of Fayette County for 20 years and has been practicing medicine for 35 years plus. He stated he has a private practice in Fayetteville. He stated his children graduated from high school here. He stated he has substantial acreage in Fayette County. He stated he moved here for what the County had to offer in comparison to all the other counties in metro Atlanta. He stated that he likes clean businesses that enhance the community. He stated he loves to see growth but there consequences to uncontrolled growth and this would be uncontrolled growth. He stated he strongly disagrees that the current residential zoning is out of touch with the surrounding areas. He stated his business is a medical business. He stated he agreed with Ms. Smith, there is a great need for educational enhancement and opportunities in Fayette County that would be able to compete with these large hospital groups. He stated Piedmont Fayette needs additional businesses that will enhance what they have already brought to the County. He stated senior citizens homes would be great due to the large senior citizen population. He stated the senior citizen population is underserved in Fayette County. He stated assisted living and day cares would be great and help augment staff at Piedmont Fayette, workers and nurses would have somewhere to drop their children

off. He stated there are plenty of other businesses that could go there that would enhance the community. He concluded he would hate to see the character of the community altered because once it's altered it's difficult to come back.

Chairman Martin stated there were five (5) minutes and 11 seconds left for those wishing to speak in opposition.

J.D. Holmes stated this proposed rezoning does not fit the neighborhood. He stated we all moved here for the quality of life. He stated he is having a hard time wrapping his mind around the idea of going to a dealership and playing pickleball while his car is being worked on. He stated he thinks what will happen is there will be more dealerships there similar to Highway 138. He stated he thinks that is the vision behind this and he thinks they are trying to mask it. He concluded we have to be careful not to set a precedent and surely it's not all just about money.

Chairman Martin stated there were three (3) minutes and 54 seconds left on the opposition clock.

Angela Hall stated she was a retired veteran of 22 years and moved to Fayetteville last year. She stated she supports medical because she has to drive one (1) to two (2) hours to get to a medical facility. She said she had an episode on the road recently and they wanted to send her to Decatur VA. She stated we need more medical facilities. She stated there are more car lots than medical facilities and more car lots than military facilities. She stated we need to start supporting the veterans too. She stated there are veterans like herself who want to stay in Fayetteville but don't have anywhere to go as far as medical. She concluded she is in support of medical but in opposition to having the car lot.

Chairman Martin thanked Ms. Hall for her service. He stated there were two (2) minutes and 39 seconds left on the opposition clock.

Varner Holmes stated she wanted to read something from the Fayette County Comprehensive Plan. She read, "It is a policy of the Fayette County Board of Commissioners that the county's residential neighborhoods are the cornerstone of the community. As such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of incompatible nonresidential development." She stated the petition is incompatible nonresidential development and she asks that the Board deny.

Chairman Martin stated there was two minutes left on the opposition clock.

Diana Dietz stated she would read the headline from the data center industry also known as The Clad. She read QTS buys \$154M of land in Fayetteville for world's largest data center campus. She stated Trilith has modified DRI which has been previously submitted to include 913 acres for proposed expansion of both Trilith and the data center. She stated that land is right around the corner from the proposed location of the dealership. She stated they're talking about almost 1,000 acres there where Trilith has been building already cannot maintain the

environment and wetlands how they are required by law. She asked what do you think will happen to the additional 913 acres that is right around the corner.

Chairman Martin stated there is one minute left.

Dr. Robert Barham stated he has done a lot of environmental work and was responsible for a number of environmental programs. He stated most of his time was spend trying to undo poor land use decisions in California. He stated land use decisions are like boiling a frog. He stated you do a little bit here and a little bit there and one morning you wake up and have a mess and you can't undo it. He stated the tax revenues do not begin to pay for the problems that have been caused. He stated when a plan like the Comprehensive Plan is developed, there is a lot of work gone into it. He stated to come in and try to change little pieces will only cause problems for the community.

Chairman Martin stated that was all the time for opposition. He offered Mr. Lindsey an opportunity to respond to any of the comments made.

Richard Lindsey stated he took notes on the comments made. He stated as far as the runoff and pollutants. He stated they are aware there are very strict rules that control and prevent that with retention ponds and rain gardens. He stated the engineers know how to keep pollutants out of water ways and sensitive areas to keep them pristine and protected. He stated as far as the traffic, the Planning Commission and Planning staff can help the owner properly position entrances located across the from the emergency room. He stated there are less cars going to a dealership than a medical office. He stated they are proposing a high-end dealership. It is to be an asset to the area. He stated he hears the calling for things to stay the same but they don't. He stated that area is not conducive for homes, but it is conducive for land development that enhances the look by proper landscaping and architectural features. To be a contributor to the area that's there with the hospital, the hotel, the bank, the retail that is already there and compliment that and set a high bar for the development that comes behind it. He stated a few of the comments are correct. Trilith is growing and it is going to be far bigger than it is now. He stated that area will change and needs to be reflective of that and bring in the services and amenities that people want so that they don't have to drive all the way up to Union City or wherever for car repair. He stated they will be able stay in their community and go to the Ford Dealership that's been in Fayetteville over 40 years. He stated they want to bring it to a new area where it can be modernized and be a compliment to the community. He stated in response to the comments, he hears them and understands them. He stated we all want Fayette county to remain an area that we all want to live in but allowing a good quality high end dealership to be in this area that now is pretty intense with the hospital etc. will be an asset to the area.

Chairman Martin then brought the discussion back to the Board.

Jim Oliver stated he appreciates the faith in the community because that will be a large investment. He stated for Mr. Lindsey to speak to him about some of the items brought up. He spoke about the Comprehensive Plan. He asked how does he address that this is not in compliance with the Comprehensive Plan. He stated a lot of work and thought was put into the plan.

Mr. Lindsey stated the Comprehensive Plan calls for this area to be Office Institution but there are many office buildings already in the area. He stated there are many undeveloped tracts of land that are zoned O-I from further west on Highway 54 into Fayetteville. He stated he hears the comments on medical and assisted living and the market drives that. The government can set the tone but it's not the government's job to build the buildings. He stated it's for the marketplace to do and those have not been developed. He stated the area, Sandy Creek Road and Highway 54 has changed over the years and it's no longer conducive for residential. He stated placing the dealership there would be less impactful than many office uses that could be located there.

Jim Oliver asked if he believe the use he is proposing will elevate the area.

Mr. Lindsey stated they do. He stated he hears J.D. saying he wouldn't want to play pickleball but somebody else might. Or take their dog for walk, or they go for a walk and exercise or use the other amenities there and not just sitting in a waiting room. He stated his father in law had a car dealership in south Florida and it was amazing the activities they had on the upper level for the customers to engage in while waiting for a car to get serviced or for kids to go while their parents are shopping for a car. He stated the world has changed the dealerships and where the dealership is now in Fayetteville, you can't do that. He stated they want to give the dealership more of a Fayette County look to the dealership; lots of trees, lots of ferns, lots of landscaping. He added, and the outdoor activities that he believes the residents and citizens will participate in.

Chairman Martin asked if there were any other questions or comments from the Planning Commission.

Chairman Martin stated going off the size of the land, he knows they mentioned walking trails etc. but asked if that much land is needed for one dealership.

Mr. Lindsey stated no.

Chairman Martin asked what the plan for the remaining acreage would be.

Mr. Lindsey stated it would be for quality development, but the plan right now is just for the dealership to be the closest to Highway 54. He stated staff has a condition that a multi-use path be placed. He stated recreation would go in this area. He stated there may be other dealers who look to come in conjunction with the Ford Dealership but that is not what they're looking to do. He stated they are not looking to have a Highway 138 where it's spread all over but to have a synergy in the Ford. He added they are not looking to make the whole 40 acres dealerships.

Chairman Martin stated he had a follow up question. He stated he doesn't see lots of traffic going to the dealership where it currently is but based upon what you're proposing and it being an attractive facility that will attract more people, how do you feel that would have an impact on the traffic, knowing it backs up on Highway 54?

Mr. Lindsey stated people are taking their cars to get serviced in the morning then picking them up in the afternoon, it's not all day long as you would see with a medical office. He stated again the world has changed how car dealerships are used. He stated a lot of the shopping is actually done online and when you've decided on it then you go to the dealership, you're not just going from one place to the next which he thinks is what promoted the places like Highway 138 in Union City.

Chairman Martin stated he had no further questions. He asked if there were any other questions from the Planning Commission.

Danny England asked if they have been in conversation with the Ford Dealership Program and if they have gotten approval for this particular project.

Mr. Lindsey stated they have.

Danny England asked if that group has done any feasibility study on the existing site.

Christopher Chitwood asked if he means feasibility of the store.

Danny England stated no, the feasibility of renovating the existing facility to meet the needs that you all are trying to accomplish with this facility.

Mr. Chitwood stated unfortunately at the current location we don't have the land or the shape of the land. He stated it cannot be done there. He stated they made attempts to acquire other properties so that would work because they have been there 56 years but the attempts were unsuccessful. He stated Ford Motor Company, David, and himself believes this is a much better location, better to serve the community, and better to serve the Ford in Fayetteville.

Danny England asked if Ford was involved with the study.

Mr. Chitwood stated you have to give them the location geographically and they tell you if you can build a franchise.

Danny England clarified they are looking at the new site but have not been involved on any study at the existing site.

Mr. Chitwood stated they are very familiar with the existing site.

Chairman Martin asked if they have approved the new site.

Mr. Chitwood stated yes.

Chairman Martin asked if there were any other questions.

Brian Haren stated this is a tough one because he has been a customer of the Fayetteville Ford and Allan Vigil Ford for almost 15 years. He stated they are a credit to the community. He stated his wife used to teach at Fayetteville Elementary off of Hood Avenue and Allan Vigil adopted the school and did a lot there for the school and for the teachers. He stated he is very grateful for that. He stated he was in the Ford's service bay last week and it is cramped and they do need to move but unfortunately he doesn't think this is the right location. He stated it's not the right location because of the Comprehensive Plan. He stated in his opinion, if they approve it, it sets a bad precedent. He added there's also a cascading effect that they've seen in a few other places in the County.

Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.

4. **Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5th District and fronts on S.R. Highway 54.**

Mr. Lindsey waived the public hearing.

Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.

5. **Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5th District and fronts on S.R. Highway 54 and South Sandy Creek Road.**

Mr. Lindsey waived the public hearing.

Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.

6. **Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.**

Debbie Bell stated the requested action is to amend the Land Use Plan to change L-C-1 for the area designation immediately adjacent to the intersection of State Route 74 and State Route 85 to commercial. She stated the existing Land Use is L-C-1, Limited Commercial One (1). She gave a brief history and stated during discussions at the

Planning Commission in February 2022 considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area. As a result, the proposed change would remove the L-C-1 designation and replace it with Commercial. The architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place and the Commercial Land Use Designation will allow a wider variety of commercial and retail uses. Ms. Bell displayed a map and pointed out the parcels that are currently considered Limited Commercial One (1). She stated she spoke with Pete Frisina to get more history on this project. She pointed out a line that splits one of the parcels in half and stated there is an overhead powerline easement. She stated, Mr. Frisina said when they developed this commercial node around this intersection they felt like that powerline was the cutoff. She stated that's the reason why the Land Use Plan sometimes splits parcels and in this case it does. She stated that area would be changing to a standard Commercial rather than a Limited Commercial.

Chairman Martin brought the discussion back to the Board.

Brian Haren stated he thinks back to the months of work they put into developing out Overlay and tightly defining Limited Commercial to control how this gateway to Fayette County looked. He stated he is not willing to abandon in it and can't support this. He stated he doesn't think this change will improve anything but will make the situation worse. He stated we are going to see things on this corner that they really wanted to avoid, particularly larger gas stations. He concluded; this is a proposal he can't get behind.

Chairman Martin asked if there were any other comments.

Danny England stated the Planning Commission did spend several planning sessions discussing this with Pete before his departure. He stated they saw that the current zoning of Limited Commercial provided too many barriers for development and was one of the reasons they were asked to consider a different zoning arrangement on those corners. He stated they already see that this has already freed up development that could happen in the southern part of the County. He stated he does agree with Commissioner Haren and is a little reluctant just because they don't know what might happen but he doesn't think that's a reason to keep this change from occurring. He stated he is in favor of making the changes as discussed in the sessions.

Chairman Martin asked if there were any further comments. There were none. He asked for a motion.

Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.

7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6th District and fronts on Georgia Highway 85 and Padgett Road.

Debbie Bell stated this is related to the same intersection. She stated it is the parcel on the southwest corner of the intersection petitioning for A-R to C-C for a convenience store with retail. She stated it is currently rezoned and the applicant is requesting to rezone 12.582 acre from A-R to C-C. She stated staff recommends conditional approval because the request is in line with the Land Use Plan Element amendment that was previously discussed. She stated there is one (1) caveat, that is because the Land Use Plan dissects the parcel, the options would be to recommend denial, or recommend approval of the entire plat, or to recommend approval of a portion of the tract that is intended for commercial use in the Land Use Plan. She stated if the entire parcel is approved for rezoning, we would need to come back after that to amend the Land Use Map to incorporate that entire parcel.

Chairman Martin asked if a portion of the parcel is voted on, what would be the follow up?

Debbie Bell stated it would be presented to the Board of Commissioners. She stated if only that portion which is under the Land Use Plan under commercial type designation, then that would be the recommendation that would go to the Board of Commissioners. She stated the applicant would need to present a revised survey to complete that rezoning. She stated that's predicated on that overhead powerline which is the dividing line of the Land Use Element.

Chairman Martin asked if the petitioner was present.

Debbie Bell stated yes, their agent was present.

Patrice Frady stated she was representing LDO Fayette, LLC. She thanked the Planning Commission and gave her presentation where she referenced a PowerPoint throughout the hearing. She stated the parcel is 12.5 acres. She stated it is also split how Debbie explained and it is split on public. She stated it is at intersection Highway 85, Highway 74, and Padgett Road. She stated there are several easements on this property including Georgia Power, Atlanta Gas Light, a tower there, and there is a media easement. She stated tract one (1) is approximately 5.1 acres and tract two (2) is 7.4 acres. She stated they are proposing a convenience store there that would be about 4500 square feet. She stated there is a 50 foot landscape buffer on Highway 85 and Padgett Road. There is a 75 foot building setback from Padgett Road and a 100 building setback on Highway 85. She stated there is a small pond that used to be there that sometimes show up on different images but it is not considered a state water and it was removed many years ago. She stated the property is located in the Starrs Mill Historic Overlay District. She stated the land is undeveloped and you can see the tower, she referenced the presentation. She stated the property is currently zoned Agricultural and they are requesting for it to be zoned Community Commercial. She stated this will allow people who live close in the area to conveniently shop closer to home without having to go to larger

retail centers. She stated they anticipate being able to pick up traffic headed down Highway 85 that will be able to make a right turn into the property. She stated on the presentation you can see the property adjacent to them was rezoned Community Commercial in February. She referenced the presentation and stated that this is the layout and they are once again proposing a convenience store. She stated there are two retail shops, green space, available parking. She then showed the renderings. She stated they don't exactly align with the aesthetic the County requires but they are working toward that. It is being completed by Jefferson Brown. She stated they did those for the other applicant back in February. She stated they are trying to pay homage to the Old Mill area, not trying to take anything away but fit in and make sure it is aesthetically pleasing to the residents and community. She stated she can answer any questions.

Chairman Martin asked if there was anyone to speak in support.

Dennis Shell stated this is his family's property. He stated they have had the property for about 53 years. He stated when they moved there, his dad had a small convenience store there. He stated Highway 85 was expanded and when they did the widening, they condemned the store and took it away in condemnation. He stated a few years back they had Planning Commission say it was approved for gas but there was a commissioner who said he didn't want gas and it was turned down at the town. He stated that they are just asking that it goes back like it was.

Chairman Martin asked if there was anyone else to speak in support. There were none. He asked if anyone wished to speak in opposition. There were none. He brought the discussion back to the Board.

Ali Cox, County Attorney, made the clarification that they are not recommending the property be zoned two different zoning districts. She stated it would need to be platted and subdivided and then rezoned that way.

Chairman Martin asked how the Planning Commission will be voting.

Ali Cox stated that would be a denial in order to allow for replating and subdividing that parcel. She stated or you could approve it, there are conditions that have been put on it to take care of the problem there. She stated it would be counter to the Plan in that small area but that would be something the Board of Commissioners could address too.

Danny England asked if it could be tabled. He asked if a denial would put a burden on the applicant.

Ali Cox stated yes, they would have a waiting period before they could reapply.

Chairman Martin asked what the waiting period was.

Ali Cox stated she believes it's six (6) months.

Jim Oliver asked if withdrawal is better for the applicant.

Ali Cox said yes.

Danny England asked in that case the applicant has to offer to withdraw and we have to approve the withdraw.

Ali Cox stated yes or they could approve it with the conditions.

Chairman Martin asked Ms. Patrice Frady if she had any thoughts on withdrawing before he takes a vote. He also asked if she understood what is being considered.

Patrice Frady asked if they withdraw can they return in October.

Ali Cox said it will have to be replated and subdivided first.

Danny England stated they could reapply as soon as they got everything accomplished on their end.

Jim Oliver asked what the waiting period was after a denial.

Ali Cox stated she believes it's six (6) months.

Jim Oliver stated there is an uncomfortableness about the entire 12-acre tract. He stated Ms. Frady was also speaking of it as if it were two separate tracts.

Patrice Frady stated that is how it appears on different sites.

Jim Oliver stated she spoke about the five (5) acre tract but the petition is for 12 acres.

Patrice Frady asked for a moment to discuss with her team.

Chairman Martin stated yes. He asked Debbie and Ali to discuss the conditions while Ms. Frady conferred with her team.

Debbie Bell stated the recommended conditions if the petition is approved. She stated some are related to transportation.

1. Padgett Road is a Collector per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet as measured from the existing centerline of Padgett Road.
2. Owner/applicant shall coordinate all access points with GDOTs proposed projects at the intersection of HWY 74 and HWY 85. Environmental Management will require GDOT approval prior to issuance of development permits.

3. Owner/applicant to provide documentation that access to 2598 Hwy 85 South will meet County Development Ordinances or be removed prior to Land Disturbance permits being issued.
4. Only one curb cut will be allowed on Padgett Road; any additional existing curb cuts on Padgett Road shall be removed.
5. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcels in unincorporated Fayette County to the south and west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.

Chairman Martin asked if approved with conditions what would be the follow up based on the other conversations about needing to withdraw versus moving forward.

Debbie Bell stated if it's approved with conditions it's similar to the previous one done in February, we will need to come back to the Planning Commission to amend the Land Use map to encompass the balance of that parcel on the southside of the overhead powerline that includes that portion with the telecommunications tower.

Jim Oliver stated it's like putting the cart before the horse taking a vote on that kind of proposal. He asked if the change needed to be made first.

Debbie Bell stated typically it would be but it doesn't have to be.

Danny England stated the issue he sees is this is one parcel and the County has divided it into two (2) pieces in the Land Use map so the burden is on us. He stated we have placed an invisible line across your property that they have no control over and we need to fix that, it's not something they need to fix. He stated if that's the case, it seems we can approve with conditions and then it's our job to fix the back of house accounting piece to make the Land Use map match what essentially exist in real life.

Chairman Martin asked if Ms. Frady had any questions before the vote.

Patrice Frady stated no she understands it is one parcel though it looks divided.

John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.

.....

Danny England made a motion to adjourn. John Culbreth Sr. seconded. The motion passed 5-0.

The meeting adjourned at 8:19pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ARNOLD MARTIN, CHAIRMAN

ATTEST:

CHELSIE BOYNTON
PLANNING COMMISSION SECRETARY

HEARING SCHEDULE FOR 2023 REZONING APPLICATIONS

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

Deadline for application is the tenth (10th) of the month by noon. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. Rezoning applications require a total of two (2) public hearings: one by the Planning Commission (first Thursday of the month) and another public hearing by the Board of Commissioners (fourth Thursday of the month). The Meeting Schedule reflects adjustments for holidays. Both public hearings are held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville) on the first floor in the Public Meeting Room (near the fountain). Planning Commission hearings begin at 7:00 p.m., and Board of Commissioners hearings begin at 5:00 p.m., unless otherwise noted.

<u>APPLICATION FILING DEADLINE (noon)</u>	<u>PLANNING COMMISSION HEARING DATE (1st Thurs.)</u>	<u>BOARD OF COMMISSIONERS HEARING DATE (4th Thur)</u>
December 12, 2022	February 2, 2023	February 23, 2023
January 10, 2023	March 2	March 23
February 10	April 6	April 27
March 10	May 4	May 25
April 10	June 1	June 22
May 10	July 6	July 27
June 12	August 3	August 24
July 10	September 7	September 28
August 10	October 5	October 26
September 11	November 2	November XX
October 10	December 7	December XX, 2023
November 10	January 4, 2024	January 25, 2024
December 11, 2023	February 1, 2024	February 22, 2024

To: Fayette County Planning Commission
From: Deborah Bell, Planning and Zoning Director *DLB*
Date: September 26, 2022
Subject: Minor Revision to a Major Final Plat to be considered on October 6, 2022

REVISION TO A MAJOR FINAL PLAT

OWNER/APPLICANT

Minor Revision to a Major Final Plat of Kenwood
Business Park, Phase Five (Lots 114 – 118)

Trimax Mowing Systems, Inc.

Recommend **APPROVAL** for the Minor Revision to a Major Final Plat.

OWNER: TREMAX MOWING SYSTEMS INC
SITE ADDRESS: 310-340 ETOWAH TRACE, FAYETTEVILLE, GA 30214

REFERENCES:
1) DEED BOOK 4906 - PAGE

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION, BELIEF AND BASED ON EXISTING FIELD RESEARCH, AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION, DATA, OR DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED ON HAS A RELATIVE POSITIONAL ACCURACY OF ONE FEET HORIZONTAL AT THE 95% CONFIDENCE LEVEL.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS: GRID NORTH AS DEFINED BY UAD 83 AND NAVD 83 (EPOCH 128) DATUM, GEOREF WEST ZONE, AND DETERMINED THROUGH SURVEYING METHODS UTILIZING A GNSS RECV. THE NETWORK SOLUTION BY MCCANN/LAND SURVEYORS.

NO STATE WATERS OR STATE WATERS BUFFERS WERE OBSERVED ON THIS PROPERTY AT THE TIME OF THE SURVEY.

THESE ARE NO GROUNDWATER RECHARGE AREAS ON THIS PROPERTY.

LOT NO. 114 CONTAINS A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY, AS REQUIRED BY ART. 10 OF THE DEVELOPMENT REGULATIONS. A MINIMUM FINISHED FLOOR ELEVATION FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY, MEFE = 818.74

1: IF THERE WILL BE DISTURBANCE INSIDE OF FAYETTE'S LIMITED DETAIL FLOORPLAN THAT IS OUTSIDE THE WATERSHED PROTECTION BUFFERS AND SETBACKS, IT WILL NEED TO FOLLOW ALL APPLICABLE PORTIONS OF THE FLOORPLAN MANAGEMENT ORDINANCE.

2- THE STRUCTURE WILL NEED TO MEET THE MINIMUM FINISHED FLOOR REQUIREMENTS OF FAYETTE COUNTY'S LIMITED DETAIL STUDY. THE CROSS SECTION NEAREST TO THE STRUCTURE WILL BE USED.

4.1 ZONING DISTRICT LIGHT INDUSTRIAL

- [illegible]

SYMBOLS

- ○ — AS SHOWN HEREON
- ● — 1/2" CAPPED REBAR TO BE SET
- ■ — CONCRETE MONUMENT FOUND

70	POINT OF BEGINNING NOW OR FORMERLY FROM PIN FOUND OPEN TOP PIPE FROM PRE SET IS MARKED KALON RIGHT-OF-WAY FIRE HYDRANT CROSS ALLEY CROSS ALLEY HIGH PRESSURE GAS HEADWALL	CONCRETE MONUMENT FOUND LAND LOT EDGE OF PAVEMENT PROPERTY LINE PLAT BOUNDARY PLAT BOUNDARY DEED BOOK PO PACE WATER VALVE DRAINAGE CATCH BASIN SINKER SINGLE MANHOLE CATCH BASIN CORRUPTED METAL PIPE
----	--	---

GRAPHIC SCALE IN FEET

50 25 0 25 50 100 150

VICINITY MAP
N.T.S.

LINE	BEARING	DISTANCE
L1	S40°42'54"E	47.57'
L2	S56°25'33"E	40.96'

LINE	ARC	CHORD	BEARING	RADIUS	CHORD
C1	6.72'		S 67° 59' 18" E	534.86'	6.72'

OWNER INFORMATION
TRIMAX MOWING SYSTEMS, INC.
310 ETOWAH TRACE
FAYETTEVILLE, GA 30214
ATTN: MR. TONY MILLS
(770) 412-8402

PURPOSE NOTE
THE PURPOSE OF THIS SURVEY IS TO CORNER
PARCELS 065106015, 065106016, 065106017
& 065106018 SLOTS 114 - 118 PER PG 32 PG 102-104
INTO ONE CONTIGUOUS PARCEL.

[illegible]

PARCELS: 055106015, 055106016
055106017 & 055106018

NO.	REVISIONS	DATE

1 of 1

To: Fayette County Planning Commission
From: Deborah Bell, Planning and Zoning Director *DLB*
Date: July 20, 2022
Subject: Minor Final Plat to be considered on October 6, 2022

MINOR FINAL PLAT

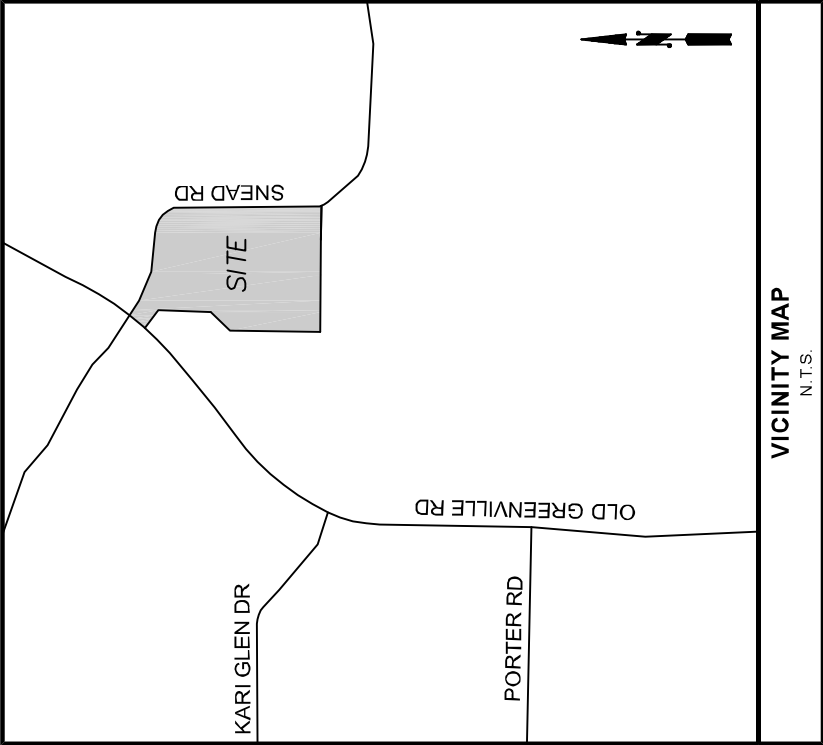
Minor Final Plat for Williams Farm

OWNER/APPLICANT

Marvin E. Williams Jr. and Mary Ann
Williams

Recommend **APPROVAL** for the Minor Final Plat.

MINOR FINAL PLAT FOR
WILLIAMS FARM



THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT.

GENERAL NOTES:

1. OWNER/DEVELOPER:
MARVIN E. WILLIAMS JR. &
MARY ANN WILLIAMS
487 SNEAD ROAD
FAYETTEVILLE, GA 30215
770-231-4279
2. SURVEYOR:
GASKINS & ASSOCIATES, LLC
981 CAMPGROUND ROAD
GRIFFIN, GA 30223
678-618-5087
sagaskins@bellsouth.net
3. TOTAL NUMBER OF LOTS: 3
TOTAL ACREAGE: 16.615 ACRES
MINIMUM DIMENSIONAL ZONING REQUIREMENTS:
ZONING DISTRICT: A-R
MINIMUM LOT WIDTH AT BUILDING LINE = 250'
MINIMUM LOT SIZE = 5 ACRES (217,800 S.F.)
FRONT YARD SETBACK = 75' (MINOR)
100' (COLLECTOR)
100' (ARTERIAL)
- SIDE YARD SETBACK = 50'
REAR YARD SETBACK = 75'
MINIMUM HOUSE SIZE = 1,200 S.F.
4. SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.
5. WATER TO BE PROVIDED BY AN ON-SITE WELL.
6. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP,
MAINTENANCE, RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR
OVERALL DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.
7. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY
RESTRICTION SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
8. THERE IS NO GROUNDWATER RECHARGE AREAS ON THE PROPERTY.
9. 1/2" REINFORCING RODS SHALL BE SET AT ALL LOT CORNERS UNLESS
OTHERWISE NOTED.
10. NO PORTION OF THIS PROPERTY LIES WITHIN A 100 YEAR FLOOD
HAZARD AREA, AS PER COMMUNITY PANEL No. 113113C0156E, DATED
SEPTEMBER 26, 2008.
11. EACH BUILDABLE LOT HAS A MINIMUM CONTIGUOUS AREA OF 0.6 ACRES
THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATER-SHED
PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND
EASEMENTS OF ANY KIND.
12. THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.
13. THERE ARE NO STATE WATERS ON THIS SITE.
14. THERE ARE NO EXISTING STRUCTURES OR FEATURES ON THE PROPERTY.
15. THERE ARE NO EXISTING EASEMENTS ASSOCIATED WITH THE PROPERTY.
PER THE NATION WETLANDS INVENTORY THE SITE DOES NOT CONTAIN WETLANDS.
ANY WETLAND ON THE SITE ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF
ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR
DISTURBANCE TO THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
16. THERE ARE NO EXISTING EASEMENTS ASSOCIATED WITH THE PROPERTY.
17. FOUNDATION SURVEY FOR TRACT 1 WILL BE REQUIRED TO SHOW THE M.F.F.E.
AS SHOWN ON THIS PLAT.

SURVEYORS CERTIFICATION:

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN
PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE
LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THIS TYPE
OF PLAT OR ONE OR MORE OF THE APPLICABLE LOCAL JURISDICTIONS DO NOT
REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL
JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE
INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR OFFICE OF THAT
INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN
HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE
APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE
NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH
APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. SUCH
APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS SHOULD BE
CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR
USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE
UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE
MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A.
SECTION 15-6-67.

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


SWINSON A. GASKINS, SR.
GEORGIA REGISTERED LAND SURVEYOR No. 1620

5/10/2022
DATE

S.A. GASKINS & ASSOCIATES, LLC
Surveyors - Planners - Development Consultants
P.O. BOX 321
BROOKS, GA 30205
PSALM 51
770-460-9342
sagaskins@bellsouth.net

Property Location
Land Lots 198 & 219 of the 4th Land District
Fayette County, Georgia

MARY ANN WILLIAMS
& MARVIN E. WILLIAMS JR.

Prepared For:



Job No. SA22-052A	
Drawn By: M.W.R.	Reviewed By: S.A.G.
Issue Date: 5/10/2022	
F.W.P.D.: 4/15/2022	
Revisions	Date
County Comments	6/27/2022
County Comments	8/30/2022
PAGE 1 OF 2	

OWNERS ACKNOWLEDGEMENT:

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

OWNER/AGENT _____ DATE _____

OWNER/AGENT _____ DATE _____

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

MINOR FINAL PLAT APPROVALS:

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT:

ENVIRONMENTAL HEALTH SPECIALIST _____ DATE _____

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT:

ENVIRONMENTAL MANAGEMENT DIRECTOR _____ DATE _____

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR:

ZONING ADMINISTRATOR/DESIGNEE _____ DATE _____

APPROVED BY FAYETTE COUNTY ENGINEER:

FAYETTE COUNTY ENGINEER/DESIGNEE _____ DATE _____

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION:

SECRETARY/DESIGNEE _____ DATE _____

APPROVED BY FAYETTE COUNTY FIRE MARSHAL:

FIRE MARSHAL/DESIGNEE _____ DATE _____

MINOR FINAL PLAT FOR
WILLIAMS FARM

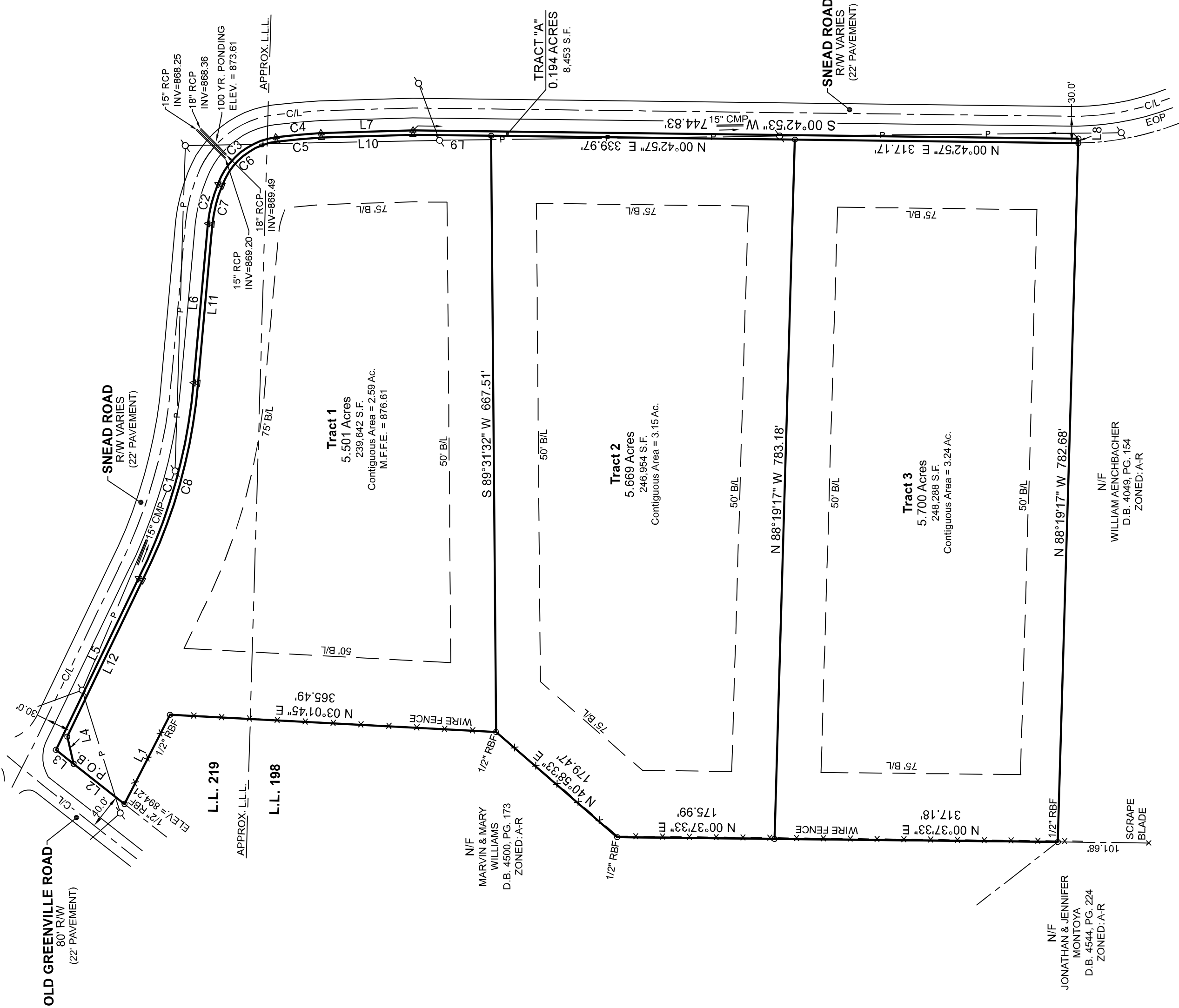
THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT.



GRID NORTH
GA WEST NAD 83

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	593.37'	228.86'	227.45'	S 74°18'00" E
C2	167.15'	45.96'	45.82'	S 75°33'45" E
C3	80.47'	87.76'	83.47'	S 38°59'52" E
C4	1070.41'	50.64'	50.63'	S 05°04'45" E
C5	1065.41'	50.25'	50.25'	N 05°04'45" W
C6	75.47'	82.36'	76.33'	N 39°03'41" W
C7	162.15'	44.64'	44.50'	N 75°31'55" W
C8	598.37'	230.72'	229.30'	N 74°18'04" W

LINE	BEARING	DISTANCE
L1	N 63°02'57" W	111.96'
L2	N 38°14'14" E	72.73'
L3	N 38°14'14" E	25.12'
L4	S 74°58'05" W	31.20'
L5	S 64°18'04" E	213.03'
L6	S 84°51'12" E	178.63'
L7	S 01°43'12" E	102.86'
L8	N 88°19'17" W	5.02'
L9	N 01°43'12" W	102.67'
L10	N 00°42'57" E	87.50'
L11	N 84°51'12" W	178.74'
L12	N 64°18'04" W	199.22'



CLOSURE STATEMENT:
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 36,672 FEET AND AN ANGULAR ERROR
OF 00° 00' 03" PER ANGLE POINT AND HAS BEEN
ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE
OBTAINED USING A LIECA TS02 TOTAL STATION.

S.A. GASKINS & ASSOCIATES, LLC
Surveyors - Planners - Development Consultants
P.O. BOX 321
BROOKS, GA 30205
PSALM 51
770-460-9342
sagaskins@bellsouth.net

Property Location
Land Lots 198 & 219 of the 4th Land District
Fayette County, Georgia

**MARY ANN WILLIAMS JR. &
MARVIN E. WILLIAMS JR.**

Prepared For:



Job No. SA22-052A	
Drawn By: M.W.R.	Reviewed By: S.A.G.
Issue Date: 5/10/2022	
F.W.P.D.: 4/15/2022	
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PAGE 2 OF 2	

LEGEND
P.B. = PLAT BOOK
D.B. = DEED BOOK
P.G. = PAGE
F.W.P.D. = FIELD WORK
PERFORMED DATE
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
N/F = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
R.B.F. = REBAR FOUND
M.F.F.E. = MINIMUM FINISH
FLOOR ELEVATION
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
○ = UTILITY POLE



PETITION NO: 1323-22

REQUESTED ACTION: A-R to R-45

PROPOSED USE: 4 Single-Family Residential Lots

EXISTING USE: 1 Single-Family Residential Lot

LOCATION: Intersection of Kenwood Road and S. Kite Lake Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 254

OWNERS: Johnnie K. Holland

AGENT: Randy Boyd

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 8.056 acres from A-R to R-45 to develop 4 Single-Family Residential Lots.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, the R-45 - Single-Family Residential District - is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-45 – Single-Family Residential.

RECOMMENDED CONDITIONS

1. The applicant must apply for a variance for the size of the guest house on Lot 1, to allow a guest house that is 768 heated square feet to remain, prior to approval of the Final Plat of the proposed minor subdivision. If the requested variance is not approved, the guest house must be removed.
2. The applicant shall meet all Environmental Health Department requirements and verify that the proposed new property lines do not interfere with the existing drain field lines.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is made up of an 8.056-acre tract, a 1.0-acre tract. The tract fronts on S. Kite Lake Road and Kenwood Road in Land Lot 254 of the 5th District. S. Kite Lake Road is classified as a Collector and Kenwood Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The property has 1 single-family home on it and a smaller residential structure that is a guest house.

The parcel is currently zoned *A-R, Agriculture- Residential*.

The area is designated for *Low-Density Residential (1 unit/ 1 acre)* uses in the Land Use Plan, Fayette County Comprehensive Plan.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned R-40, R-50, R-70 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.80 9.66	R-50 R-70	Single-Family Residential	Low-Density Residential (1 unit/1 acre)
South (across Kenwood)	15.1	A-R	Single-Family Residential (3 parcels)	Low-Density Residential (1 unit/1 acre)
East	3.75	R-40	Single-Family Residential (4 parcels)	Low-Density Residential (1 unit/1 acre)
West (across S. Kite Lake Rd)	1.72	R-40	Single-Family Residential	Rural Residential-2 (1 unit/2 acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low-Density Residential uses. Per the Land Use element of the Fayette County Comprehensive Plan, the residential land use sub-category is described as:

Low Density Residential: *This category identifies areas of intended residential subdivision development in a minimum density of one dwelling unit per one acre. County water and paved roads are generally available. Low Density Residential land uses are located in the northern portion of the county and in areas adjacent to the cities of Fayetteville, Peachtree City and Tyrone.*

D. ZONING/REGULATORY REVIEW

Access & Right-of Way

The Concept Plan submitted indicates access from South Kite Lake Road and Kenwood Road. Right of Way donation is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52) and is reflected on the concept plan.

Site Plan – The proposed site plan creates 4 single-family residential lots. A Minor Final Plat will be required.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 10" DIP water main along northside of Kenwood Rd and in an 8" PVC water main along west side of S. Kite Lake Rd.
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Minor revisions to the property line layout are needed but will be addressed at Final Plat stage.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0038E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
 - **Groundwater** – The property **IS** within a groundwater recharge area.
- ☐ **Environmental Health Department** – Based on current records, the change in property lines should have no interference with the installed septic system. However, a permit for a repair to the system was issued in May of 2021. There is no record of an inspection for that permit. If a repair has been done, then the repairs are not approved by this office and this office can not guarantee that the new property lines do not interfere with the drain lines. Each lot must apply for an individual onsite sewage management system. In addition, these items must be submitted with the initial application for a new septic system: the applicable residential fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee these lots will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.
- ☐ **Fire** – The department has no comments on this rezoning.

STANDARDS

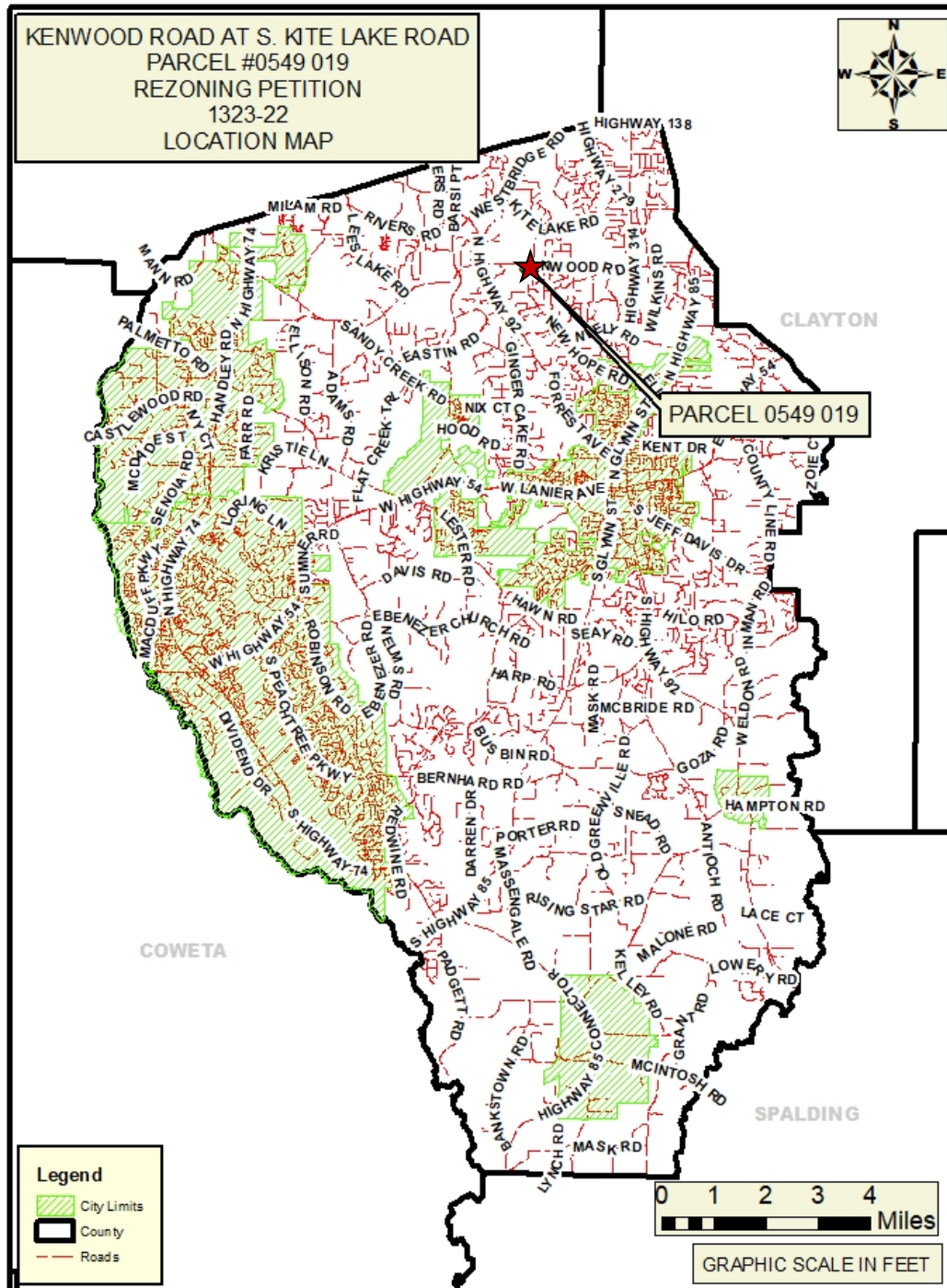
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

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

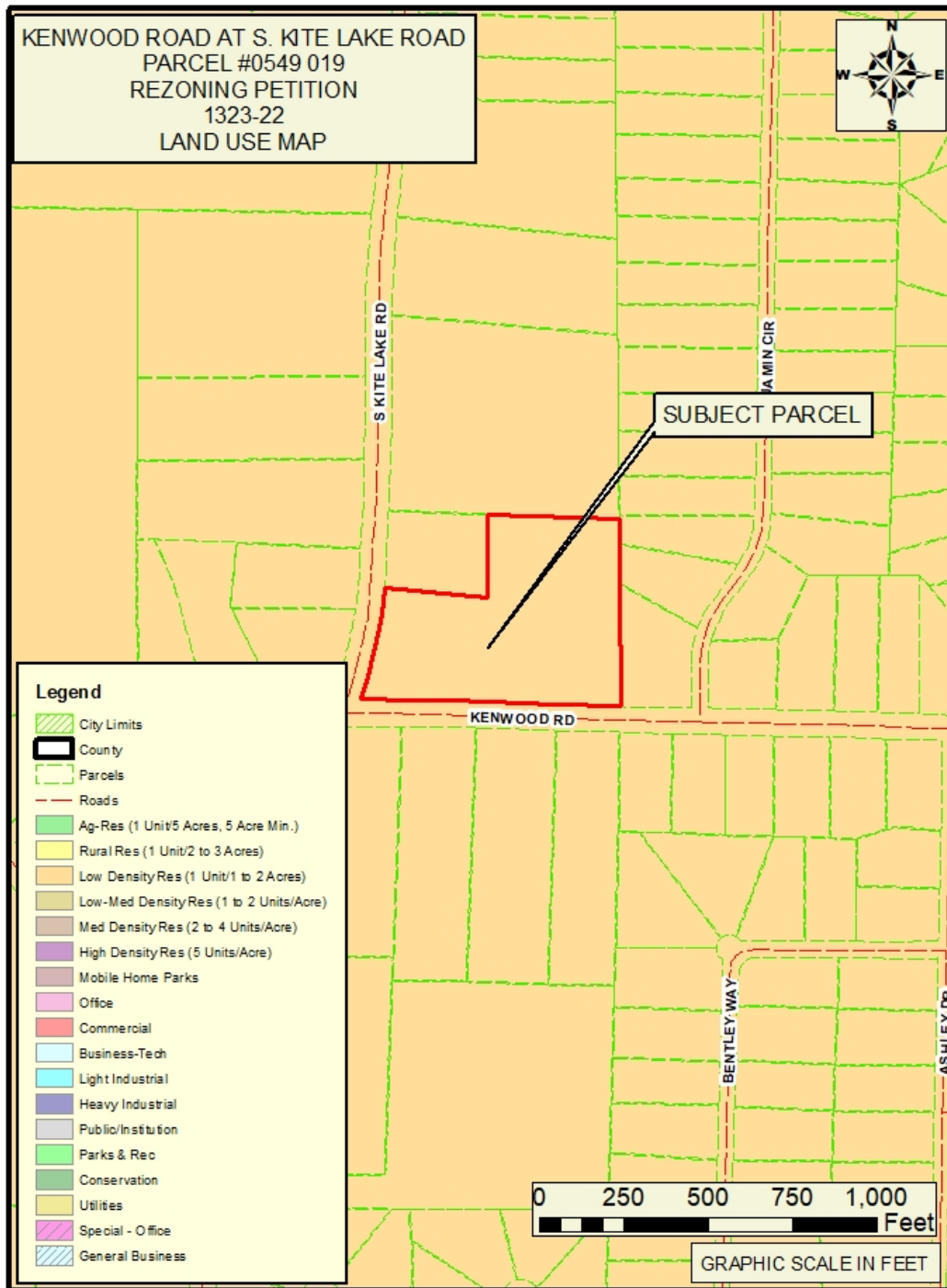
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

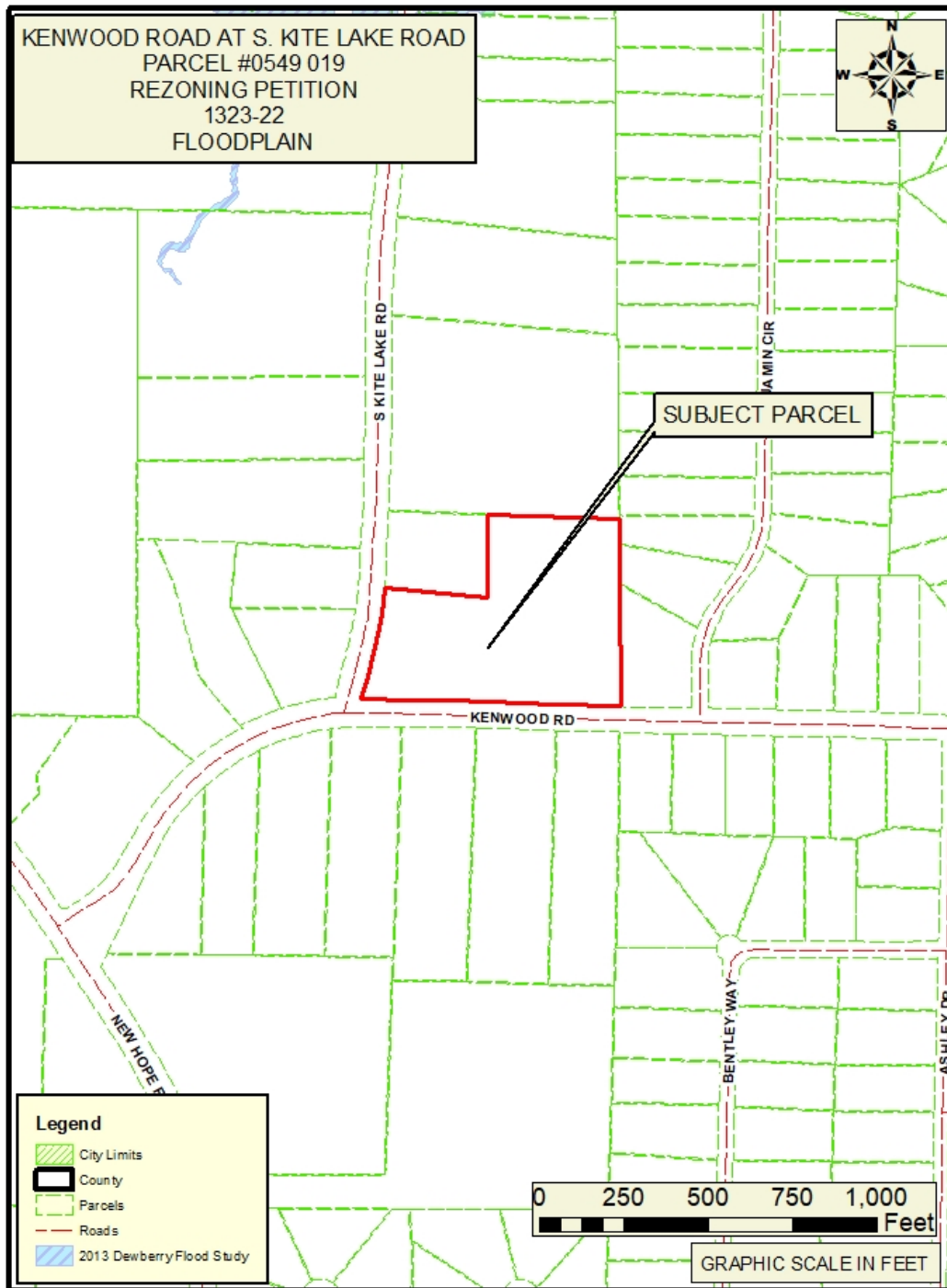
STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various single-family zoning and uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
4. The proposal is consistent in character and use with the surrounding uses as single-family residential on 1-acre or greater tracts. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.













1323-22 S. Kite Lake Road



1323-22 Kenwood Road

WARRANTY DEED

8006 316 PAGE 150

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 9th day of July, in the year
one thousand nine hundred eighty-four, between

Gerald Holland

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

Gerald Holland and Johnnie K. Holland, as joint tenants with the
right of survivorship and not as tenants in common
as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context requires or
permits).

WITNESSETH that: Grantor, for and in consideration of the sum of
Love and Affection----- (\$0.00) DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 254
of the 5th District of Fayette County, Georgia, and by plat of
C. E. Lee entitled "Survey for Gerald Holland", dated March 27,
1969 and recorded in Plat Book 5, Page 34, Fayette County Records,
being more particularly described as follows:

BEGINNING at a point on the east line of Land Lot 254 aforesaid
and on the northerly side of the right-of-way for an unimproved
public road; running thence westerly, along the northerly side
of the right-of-way for said unimproved public road, 925 feet to
a corner within the right-of-way for another unimproved public
road; thence north, 24 degrees 13 minutes east, 322 feet to a
point in said latter-named unimproved public road; thence north
.2 1/2 degrees east, 300 feet to a corner in said latter-mentioned
public road; thence north 88 1/2 degrees east, 767 feet to a
corner on the east line of Land Lot 254 aforesaid; thence south,
1 1/2 degrees east, along the east line of Land Lot 254 aforesaid,
590 feet back to the point of beginning; said tract containing
11 acres, more or less.

This deed is made subject to a loan in favor of Georgia Federal
Bank, FSB Formerly Georgia Federal Savings and Loan Association
in the original amount of \$40,000.00.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 440.00 Date 7-19-84
Clerk of Superior Court

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

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

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

Signed, sealed and delivered in presence of:

Bern L. Lof
Witness

John N. E. Eum
Notary Public
July 5, 1985

Gerald Holland (Seal)
Gerald Holland

GEORGIA, Fayette County
Clerk's Office Superior Court (Seal)

Filed for record 7-19-84
10:04 AM

Recorded in Book 316 Page 150
This 19th day of July 1984

W. A. Bell
Book: 316 Page: 150 Seq: 1
Clerk

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

PROPERTY OWNERS: JOHNNIE K. HOLLAND

MAILING ADDRESS: 735 KENWOOD ROAD, FAYETTEVILLE, GA. 30214

PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com

AGENT FOR OWNERS: RANDY M. BOYD

MAILING ADDRESS: P.O. BOX 64, ZEBULON, GA. 30295

PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com

PROPERTY LOCATION: LAND LOT 254 LAND DISTRICT 5th PARCEL 0549-09
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 8.056 ACRES

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-45

ZONING OF SURROUNDING PROPERTIES: R-50 & R-70 (NORTH) R-40 (EAST)

PRESENT USE OF SUBJECT PROPERTY: AR (South)

PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL LOT

LAND USE PLAN DESIGNATION: A RESIDENTIAL LOTS

NAME AND TYPE OF ACCESS ROAD: LOW DENSITY RESIDENTIAL - (1 UNIT/1 ACRE)

LOCATION OF NEAREST WATER LINE: KENWOOD ROAD & SOUTH KITE LAKE ROAD

ALONG THE NORTH SIDE OF KENWOOD ROAD &
ALONG THE WEST SIDE OF S. KITE LAKE ROAD

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1323-22

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Don A. Ky. Date: AUG. 30, 2022

DATE OF PLANNING COMMISSION HEARING: OCT. 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT. 27, 2022

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

Date Paid: AUG. 29, 2022 Receipt Number: _____

TOTAL PAID (CHECK # 8226) \$390.00

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

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

JOHNNIE K. HOLLAND

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0549 019

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 254 of the 5TH District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 8.056 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Johnnie K. Holland
Signature of Property Owner 1

735 KENWOOD RD.
Address FAYETTEVILLE, GA. 30214

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Randy M. Boyd
Signature of Authorized Agent

P.O. Box 6A
Address ZEBULON, GA. 30295

Sandra K. Exline
Signature of Notary Public

8/26/2022
Date

Signature of Notary Public

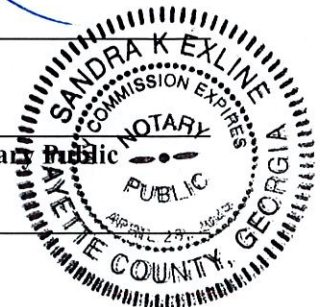
Date

Signature of Notary Public

Date

Maria Lawrence
Signature of Notary Public

8-25-2022
Date



NAME: JOHNNIE K. HOLLAND PETITION NUMBER: _____

ADDRESS: 735 KENWOOD ROAD - FAYETTEVILLE, GA. 30214

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

JOHNNIE K. HOLLAND affirms that ~~she~~ he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District.

~~He~~ He respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 390⁰⁰ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-45.

This property includes: (check one of the following)

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

☐ Legal description for subject property is as follows:

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

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26th DAY OF AUGUST, 2022

Sandra K. Exline
NOTARY PUBLIC

Johnnie K. Holland
APPLICANT'S SIGNATURE



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, JOHNNIE K. HOLLAND, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 50 feet of right-of-way along THE NORTH SIDE OF KENWOOD ROAD as measured from the centerline of the road.

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

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

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

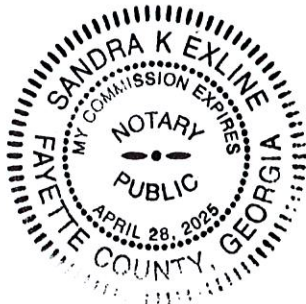
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 26th day of AUGUST, 2022.

Johnnie K. Hoeland
SIGNATURE OF PROPERTY OWNER

~~SIGNATURE OF PROPERTY OWNER~~

Samira K. Edrins
NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, JOHNNIE K. HOWARD, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 40 feet of right-of-way along THE EAST SIDE OF SOUTH KITE LAKE ROAD as measured from the centerline of the road.

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

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

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

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

Sworn to and subscribed before me this 26th day of AUGUST, 2022.


SIGNATURE OF PROPERTY OWNER

~~SIGNATURE OF PROPERTY OWNER~~

Sandra K. Epline
NOTARY PUBLIC



DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 26th day of AUGUST, 2022.


APPLICANT'S SIGNATURE

Developments of Regional Impact

Tiers and Development Thresholds

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

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DISCLOSURE STATEMENT

Please check one:

Campaign contributions - ~~X~~ No ☐ Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

PETITION NO: 1324-22 – A

REQUESTED ACTION: C-C to C-H

PROPOSED USE: Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

EXISTING USE: Vacant Land & 2 vacant single-family homes

LOCATION: S.R. Highway 54 & Tyrone Road

DISTRICT/LAND LOT(S): 7th District, Land Lot 26

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 5.615 acres from C-C to C-H to develop commercial & retail businesses.

STAFF RECOMMENDATION

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract , and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7th District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

B. SURROUNDING ZONING AND USES

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
South (across SR 54	50.34	M-H-P	Manufactured Home Park	Manufactured Home Park
East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
	3	C-H	Vacant	Commercial

C. COMPREHENSIVE PLAN

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

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

D. ZONING/REGULATORY REVIEW

Transportation Corridor Overlay Zone for SR 54 West

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

Access & Right-of Way

The Concept Plan submitted indicates access from Tyrone Road and S.R. 54. Right of Way donation along Tyrone Road is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by Georgia Department of Transportation. The current concept plan does not provide the Right of Way dedication.

Concept Plan

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

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Article II of the Development Regulations. This Site Plan is part of the Land Disturbance Permit package. Approval of this zoning petition does not constitute approval of the Concept Plan as the Site Plan.

Architectural Review

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- ☐ **Public Works/Environmental Management**
 - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance, including but not limited to xxx.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
 - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
 - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
 - This office has no records of the septic system located at 144 Tyrone Rd. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction.
 - Due to the proposed use of this land, it is highly recommended by this office that the facility connect to public sewer. There may be minimal space of usable soils and the proposed use will require a large square foot for septic. If sewer is not feasible, then it is highly recommended that the owners contact this office early in the process. The use of the property will be limited and

dictated by the available soils. If an on-site septic system is to be utilized, then an application must be submitted to this office. These items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case-by-case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

- ☐ **Fire** – has not provided any comments
- ☐ **Georgia Department of Transportation** - The proposed access to SR 54 (Floy Farr Pkwy) will need to be located from Tyrone Rd a minimum of 350' with a right-in/right-out access and decel lane and an ICE report waiver will need to be provided when applying for a GDOT encroachment permit, the applicant should be made aware of these GDOT requirements.

F. STANDARDS

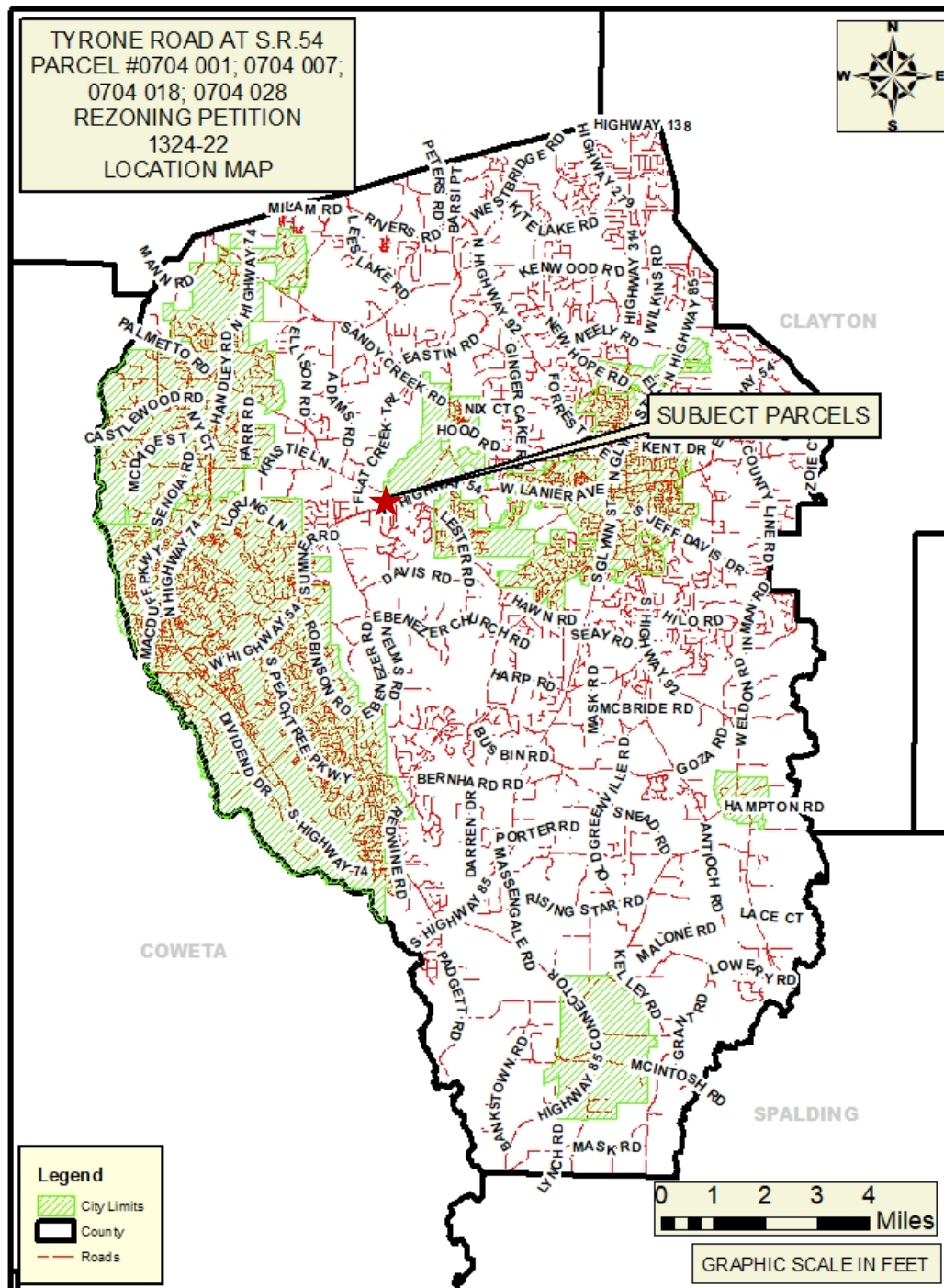
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

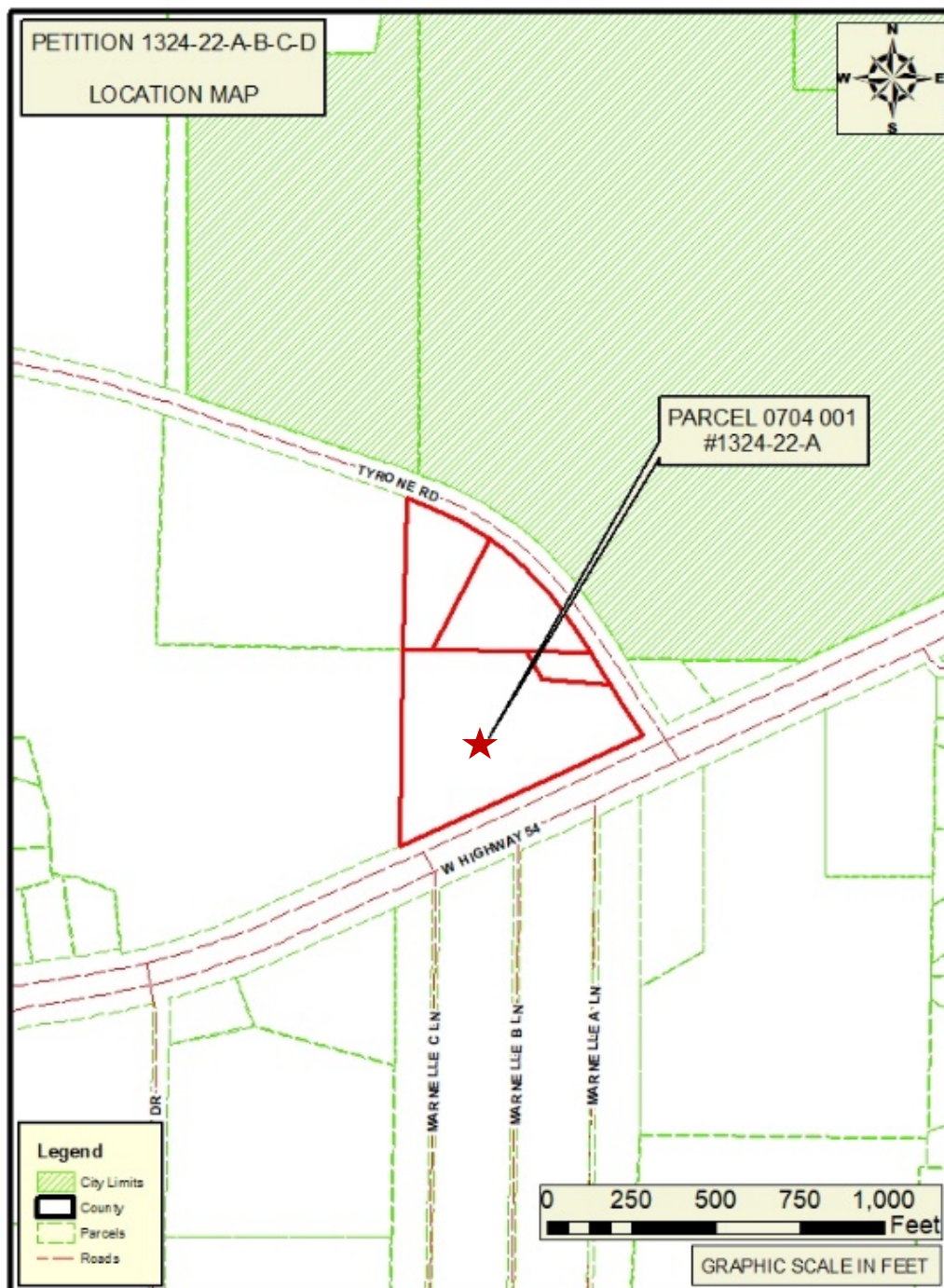
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

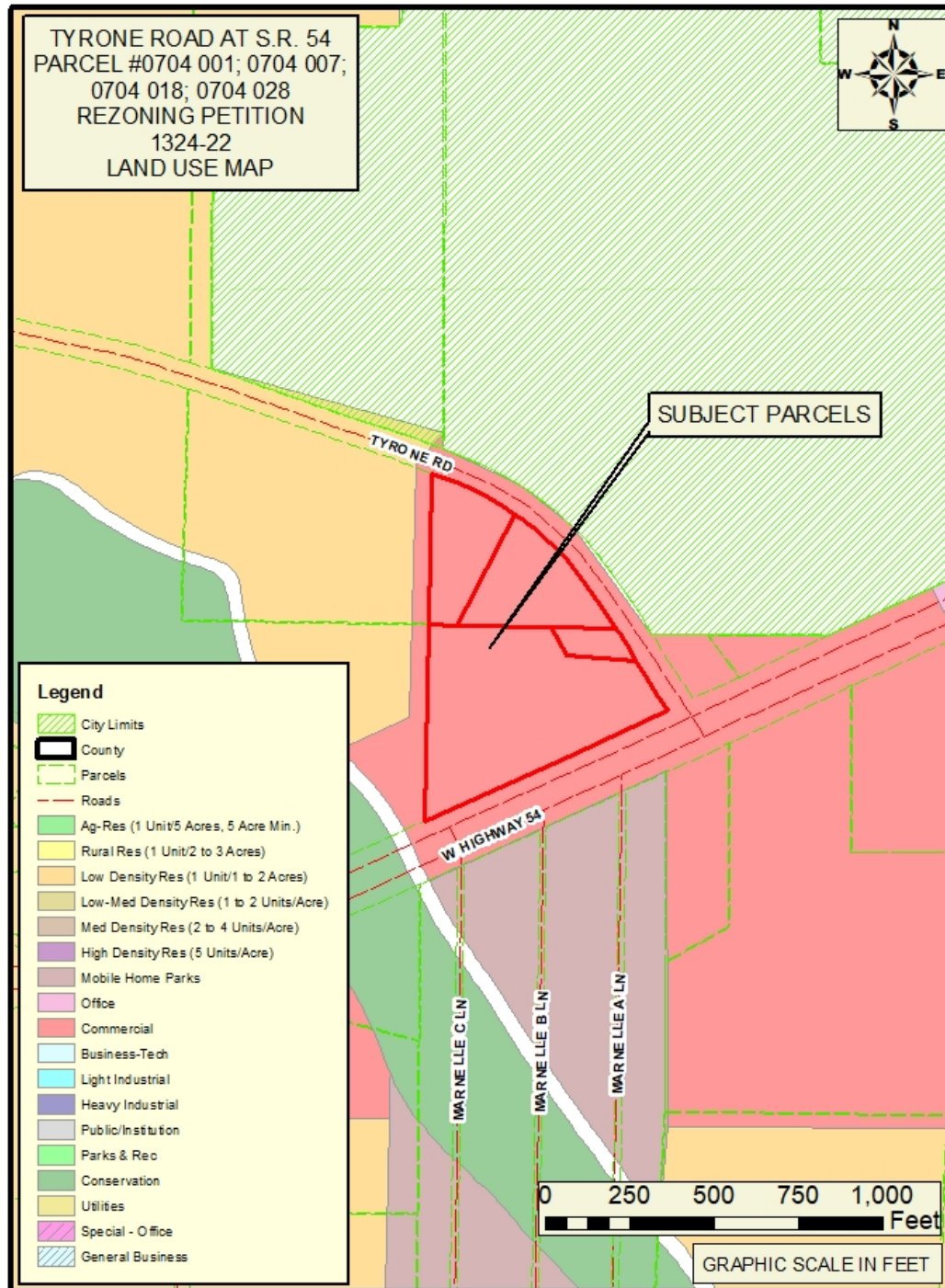
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

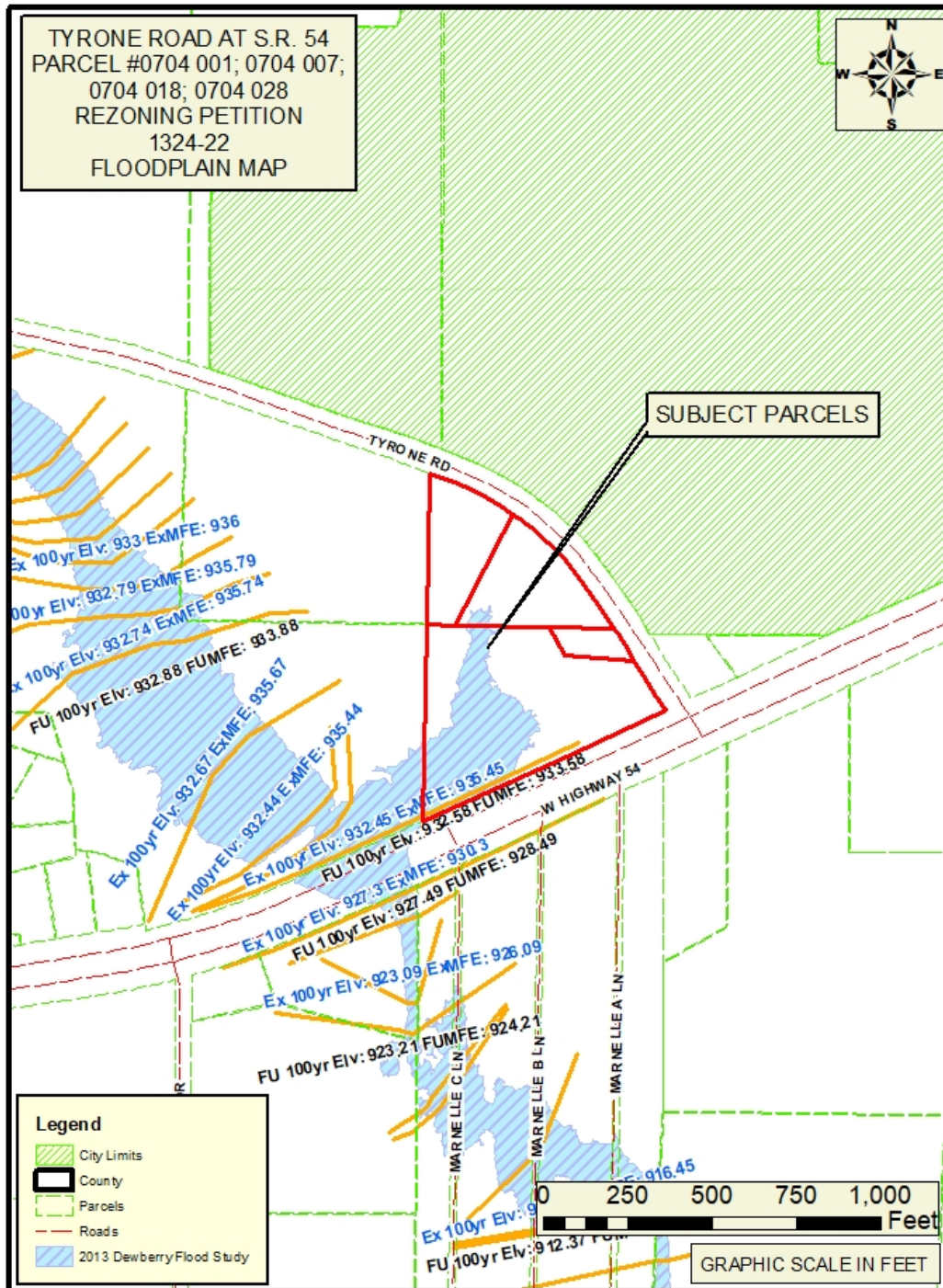
G. STAFF ANALYSIS

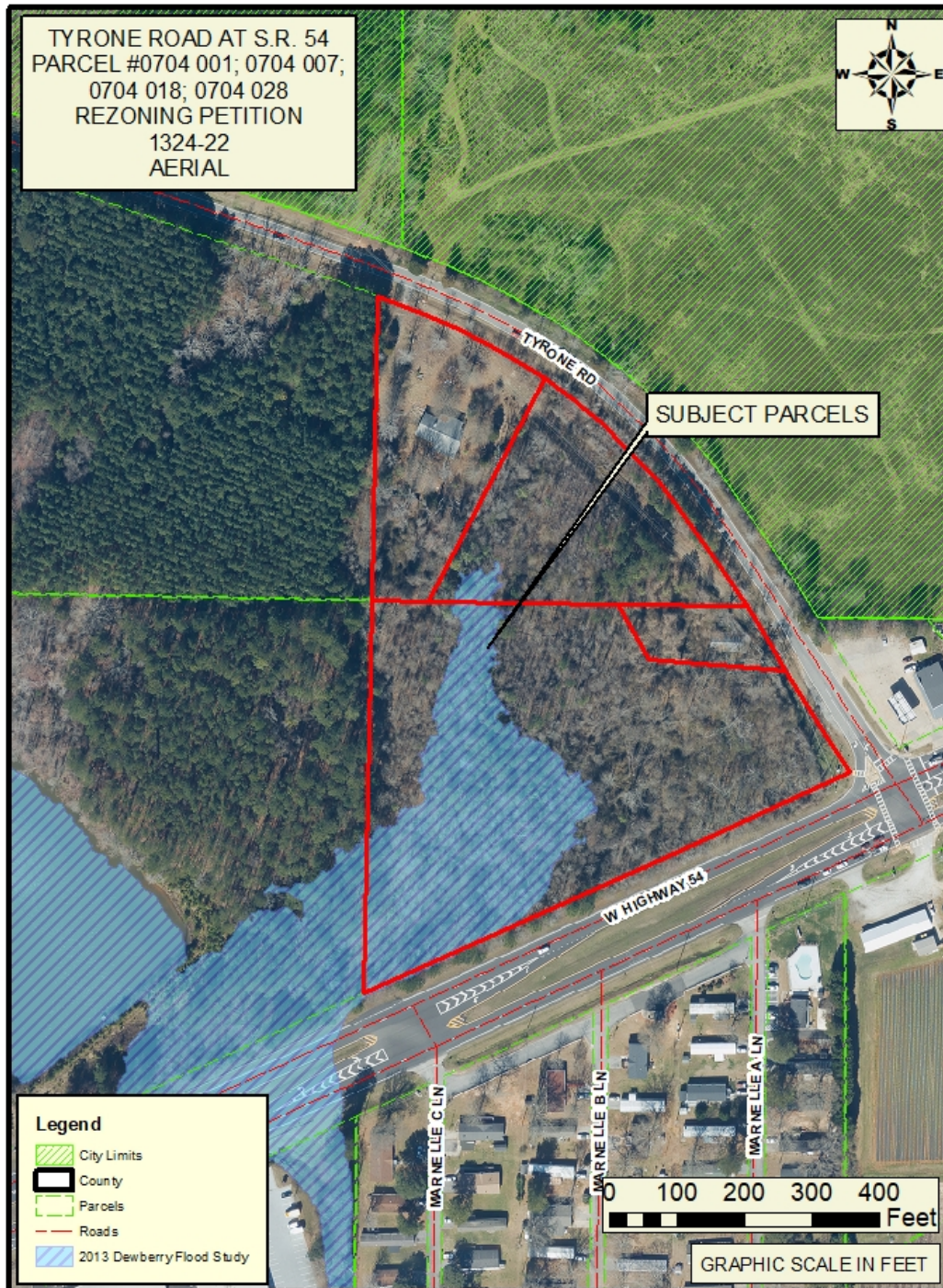
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject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













CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

PETITION NO: 1324-22 – B

REQUESTED ACTION: C-C to C-H

PROPOSED USE: Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

EXISTING USE: Vacant Land & 2 vacant single-family homes

LOCATION: S.R. Highway 54 & Tyrone Road

DISTRICT/LAND LOT(S): 7th District, Land Lot 26

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 0.331 acres from C-C to C-H to develop commercial & retail businesses.

STAFF RECOMMENDATION

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 90 days of the approval of the rezoning.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract , and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7th District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

B. SURROUNDING ZONING AND USES

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
South (across SR 54	50.34	M-H-P	Manufactured Home Park	Manufactured Home Park
East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
	3	C-H	Vacant	Commercial

C. COMPREHENSIVE PLAN

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

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

D. ZONING/REGULATORY REVIEW

Transportation Corridor Overlay Zone for SR 54 West

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

Access & Right-of Way

The Concept Plan submitted indicates access from Tyrone Road and S.R. 54. Right of Way donation along Tyrone Road is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by Georgia Department of Transportation. The current concept plan does not provide the Right of Way dedication.

Concept Plan

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

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Article II of the Development Regulations. This Site Plan is part of the Land Disturbance Permit package. Approval of this zoning petition does not constitute approval of the Concept Plan as the Site Plan.

Architectural Review

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- ☐ **Public Works/Environmental Management**
 - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance, including but not limited to xxx.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
 - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
 - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
 - This office has no records of the septic system located at 144 Tyrone Rd. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction.
 - Due to the proposed use of this land, it is highly recommended by this office that the facility connect to public sewer. There may be minimal space of usable soils and the proposed use will require a large square foot for septic. If sewer is not feasible, then it is highly recommended that

the owners contact this office early in the process. The use of the property will be limited and dictated by the available soils. If on onsite septic system is to be utilized, then an application must be submitted to this office. these items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

- ☐ **Fire** – has not provided any comments
- ☐ **Georgia Department of Transportation** - The proposed access to SR 54 (Floy Farr Pkwy) will need to be located from Tyrone Rd a minimum of 350' with a right-in/right-out access and decel lane and an ICE report waiver will need to be provided when applying for a GDOT encroachment permit, the applicant should be made aware of these GDOT requirements.

F. STANDARDS

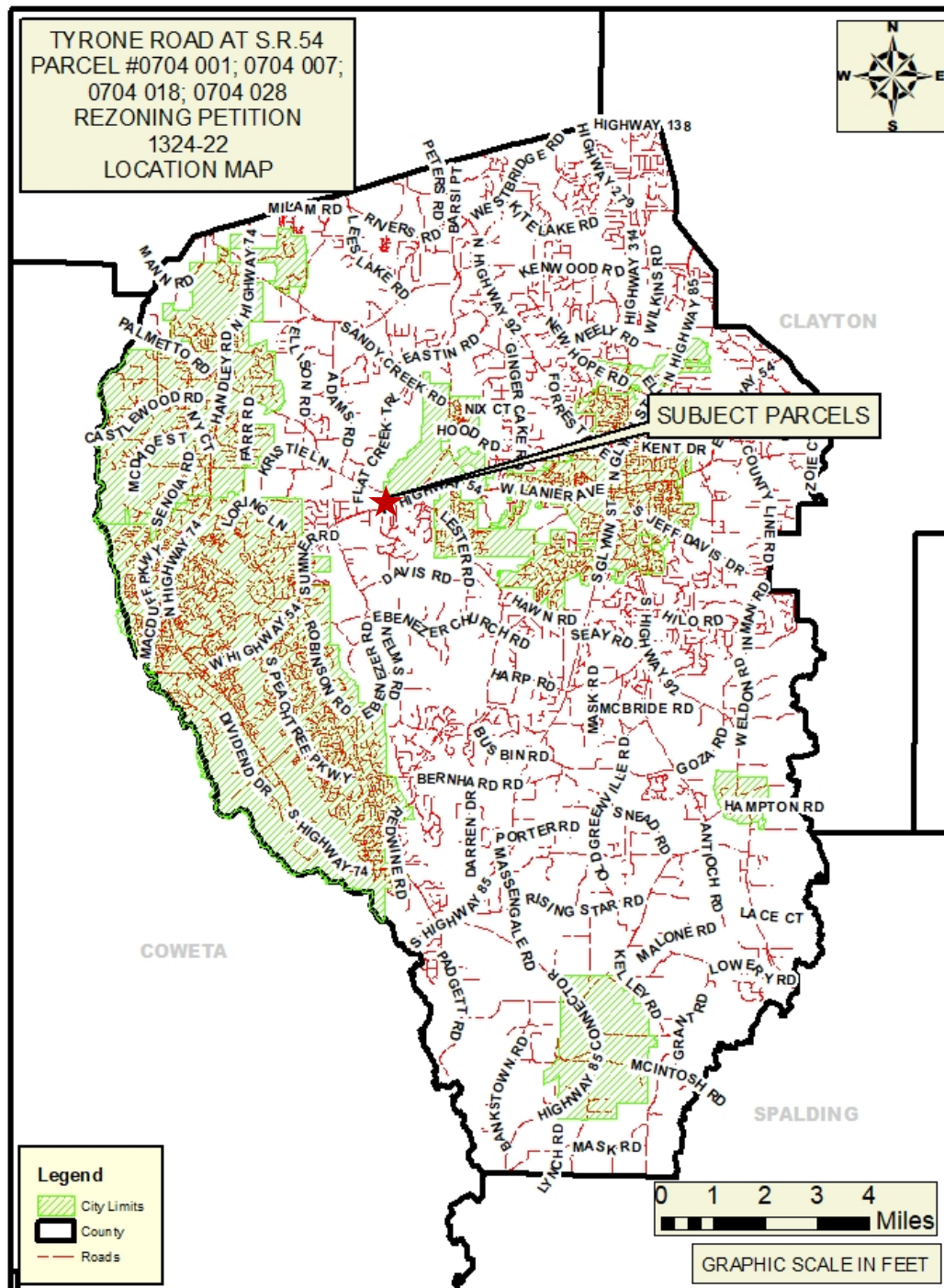
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

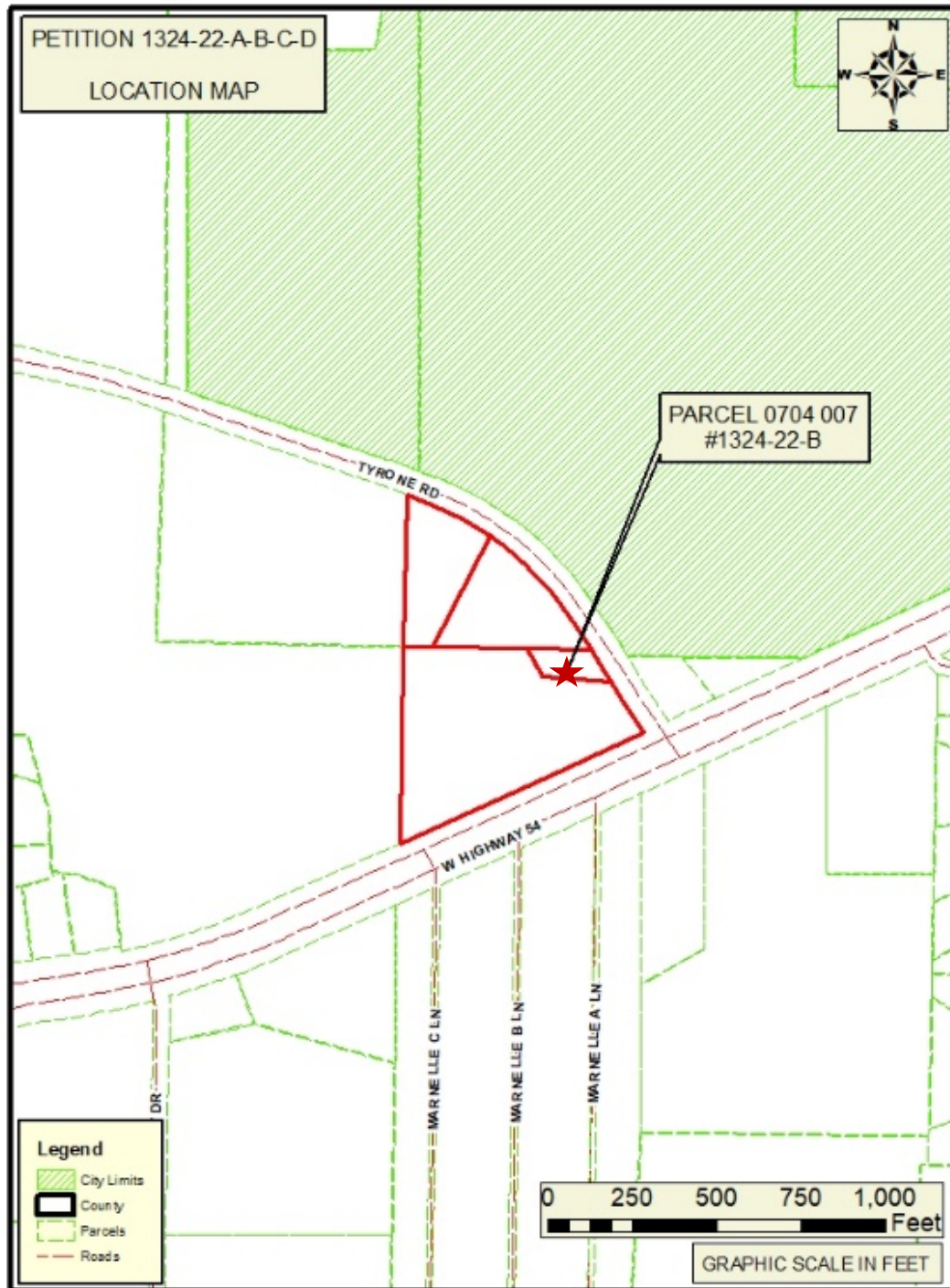
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

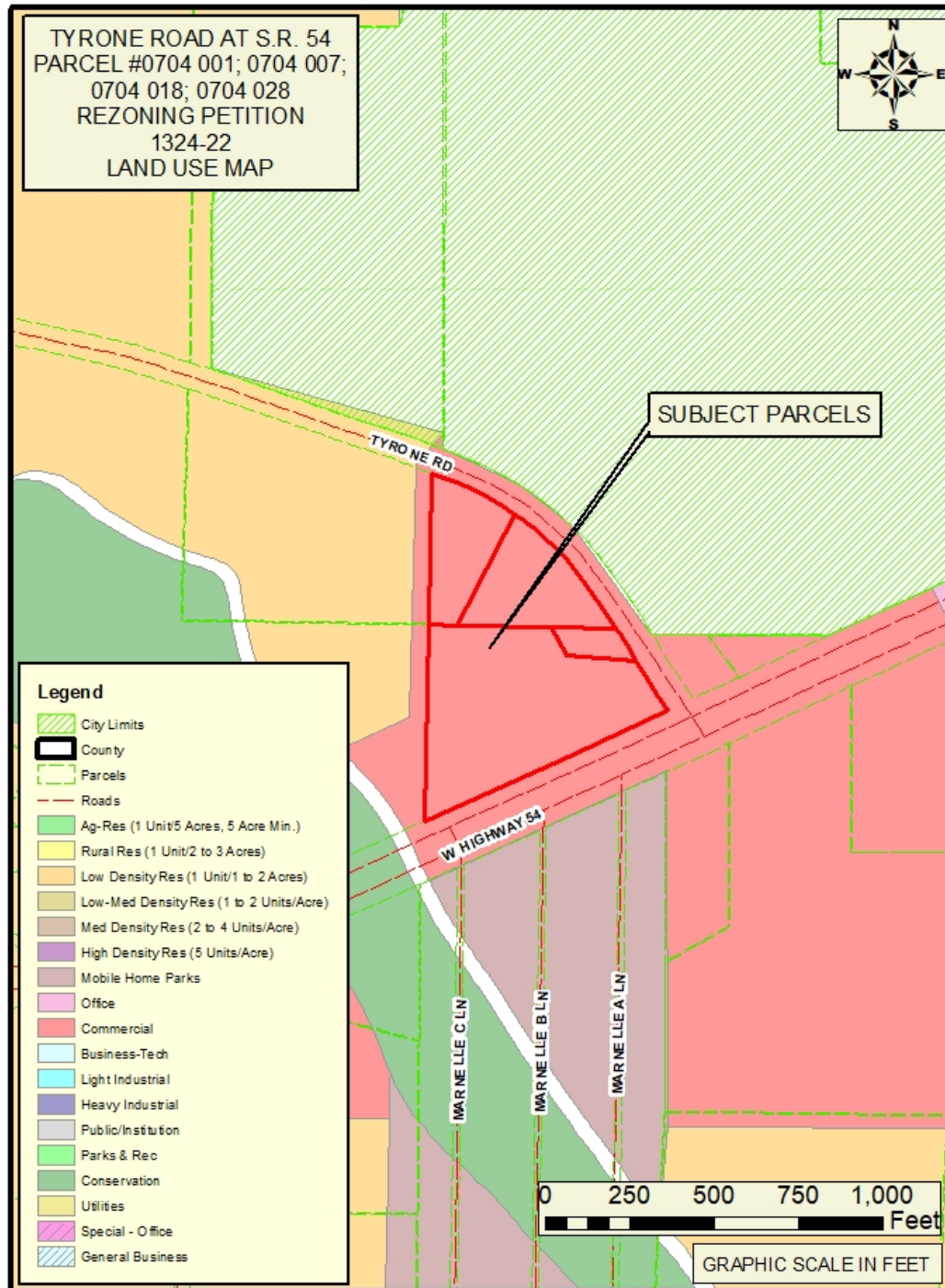
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

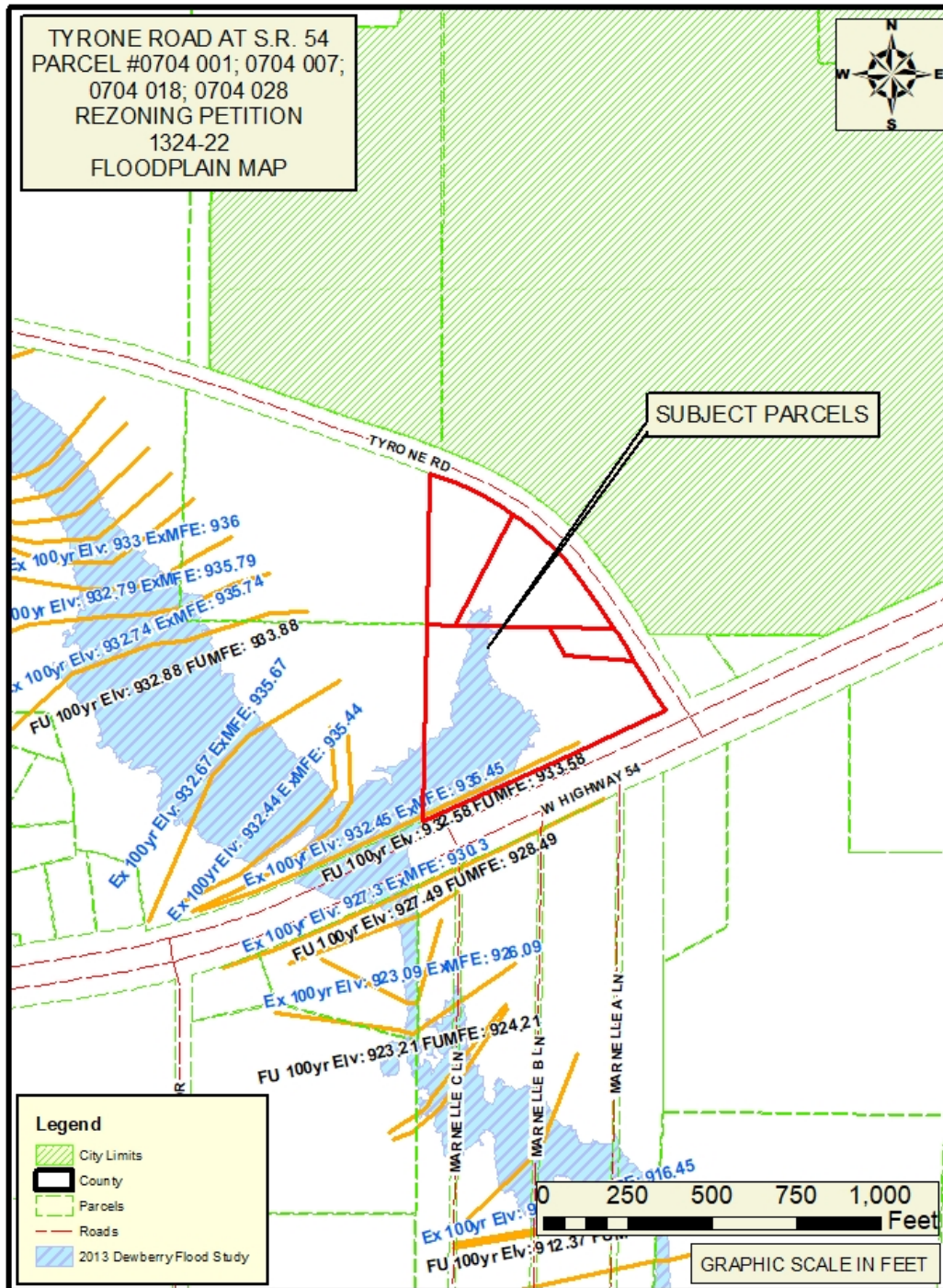
G. STAFF ANALYSIS

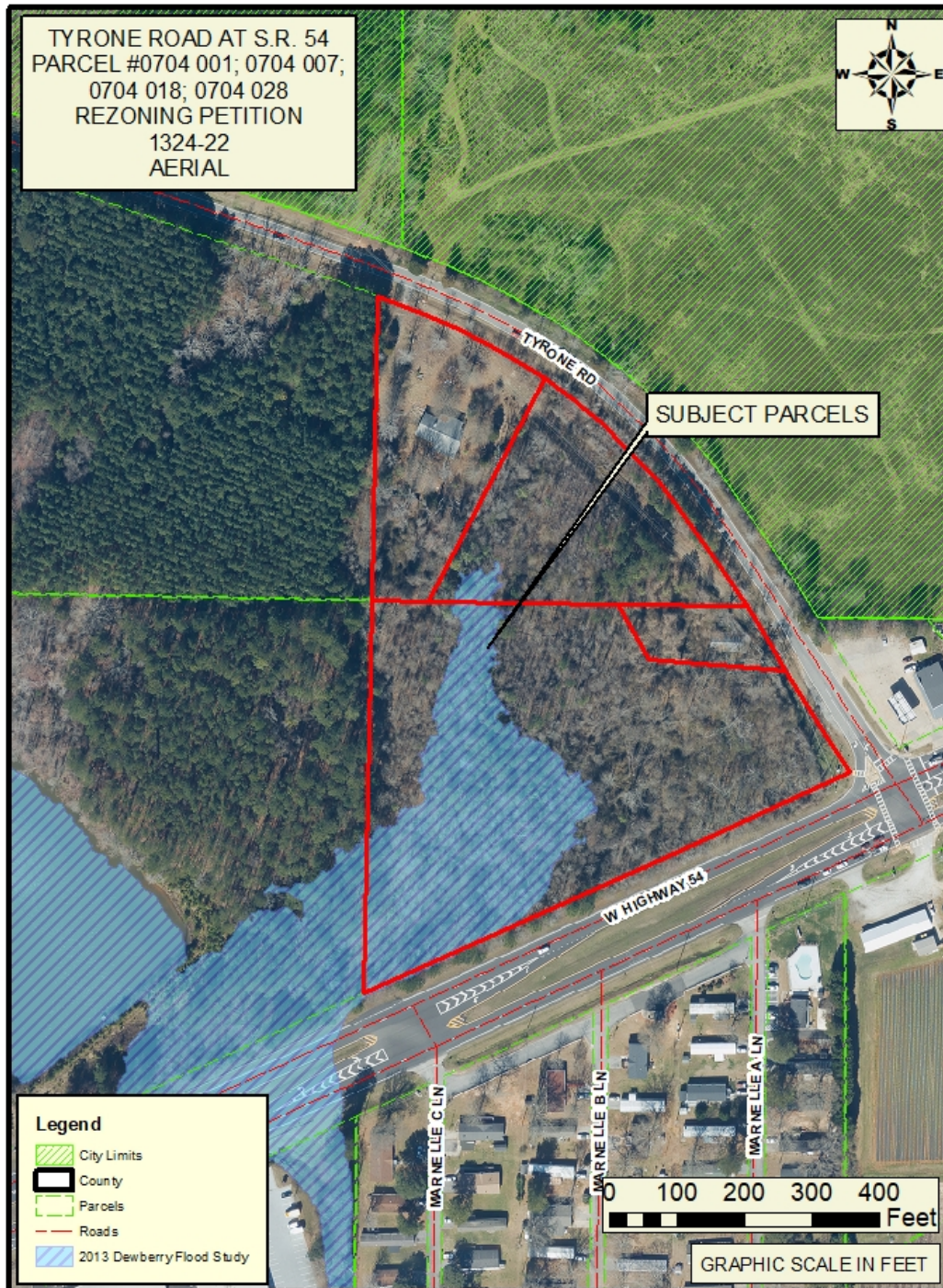
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject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

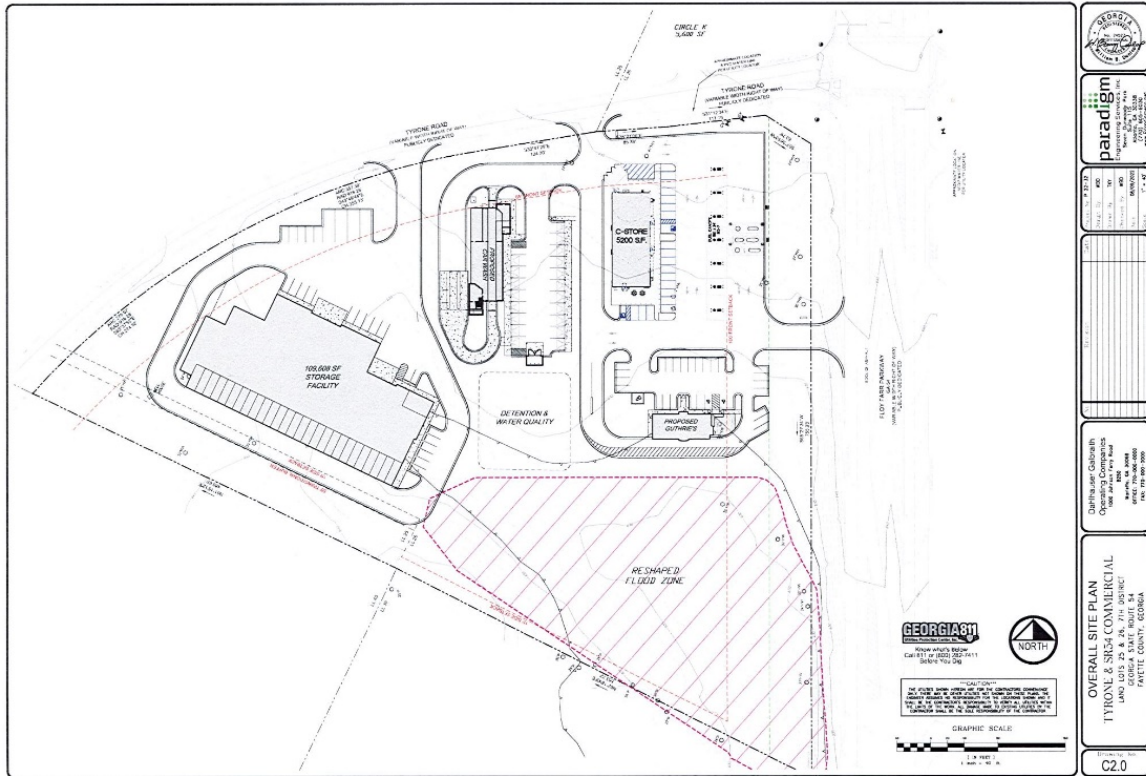












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

PETITION NO: 1324-22 – C

REQUESTED ACTION: C-C to C-H

PROPOSED USE: Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

EXISTING USE: Vacant Land & 2 vacant single-family homes

LOCATION: S.R. Highway 54 & Tyrone Road

DISTRICT/LAND LOT(S): 7th District, Land Lot 25

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 1.993 acres from C-C to C-H to develop commercial & retail businesses.

STAFF RECOMMENDATION

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 90 days of the approval of the rezoning.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract , and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7th District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

B. SURROUNDING ZONING AND USES

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
South (across SR 54)	50.34	M-H-P	Manufactured Home Park	Manufactured Home Park
East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
	3	C-H	Vacant	Commercial

C. COMPREHENSIVE PLAN

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

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

D. ZONING/REGULATORY REVIEW

Transportation Corridor Overlay Zone for SR 54 West

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

Access & Right-of Way

The Concept Plan submitted indicates access from Tyrone Road and S.R. 54. Right of Way donation along Tyrone Road is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by Georgia Department of Transportation. The current concept plan does not provide the Right of Way dedication.

Concept Plan

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

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Article II of the Development Regulations. This Site Plan is part of the Land Disturbance Permit package. Approval of this zoning petition does not constitute approval of the Concept Plan as the Site Plan.

Architectural Review

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- ☐ **Public Works/Environmental Management**
 - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance, including but not limited to xxx.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
 - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
 - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
 - This office has no records of the septic system located at 144 Tyrone Rd. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction.
 - Due to the proposed use of this land, it is highly recommended by this office that the facility connect to public sewer. There may be minimal space of usable soils and the proposed use will require a large square foot for septic. If sewer is not feasible, then it is highly recommended that

the owners contact this office early in the process. The use of the property will be limited and dictated by the available soils. If on onsite septic system is to be utilized, then an application must be submitted to this office. these items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

- ☐ **Fire** – has not provided any comments
- ☐ **Georgia Department of Transportation** - The proposed access to SR 54 (Floy Farr Pkwy) will need to be located from Tyrone Rd a minimum of 350' with a right-in/right-out access and decel lane and an ICE report waiver will need to be provided when applying for a GDOT encroachment permit, the applicant should be made aware of these GDOT requirements.

F. STANDARDS

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

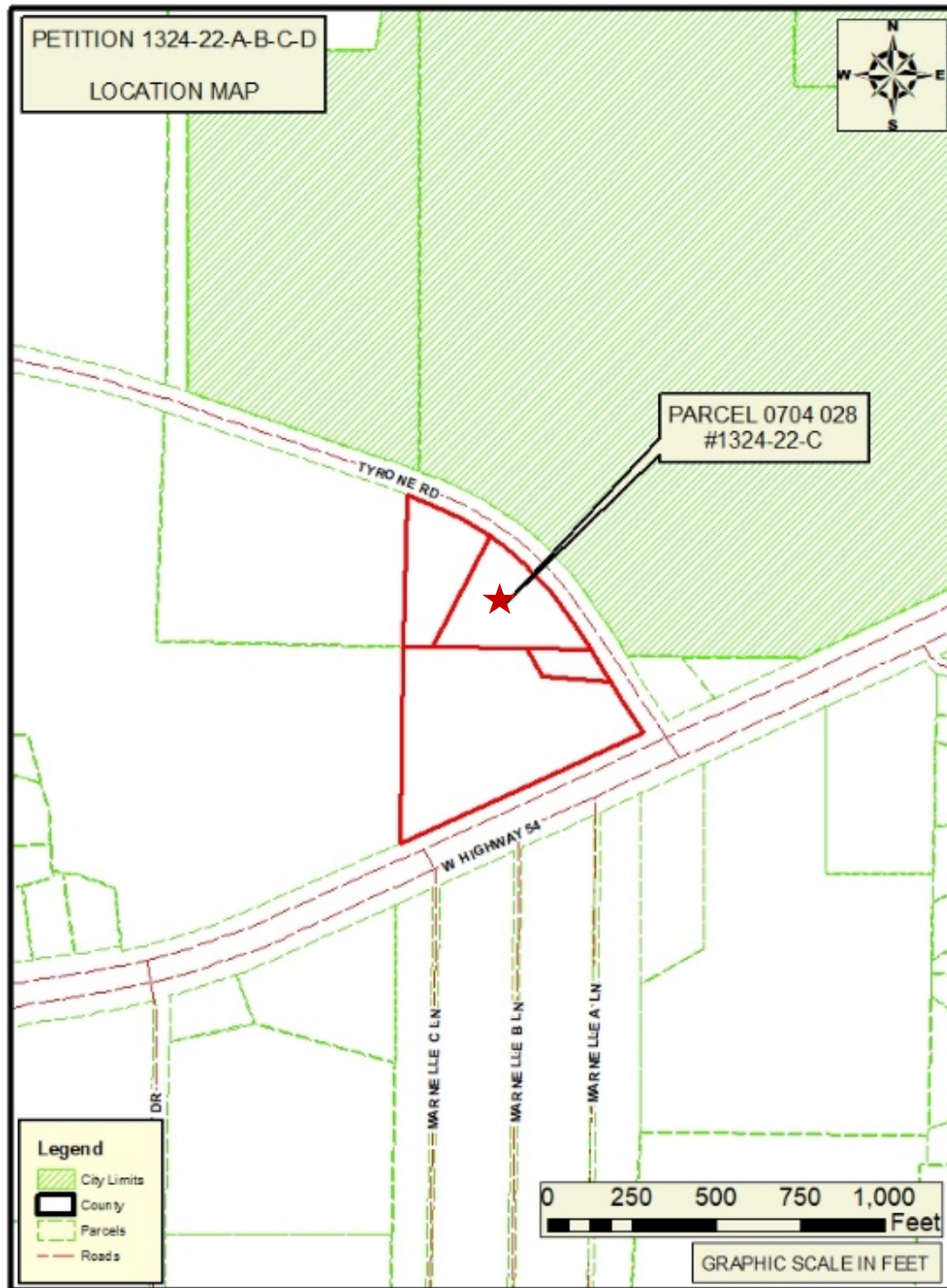
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

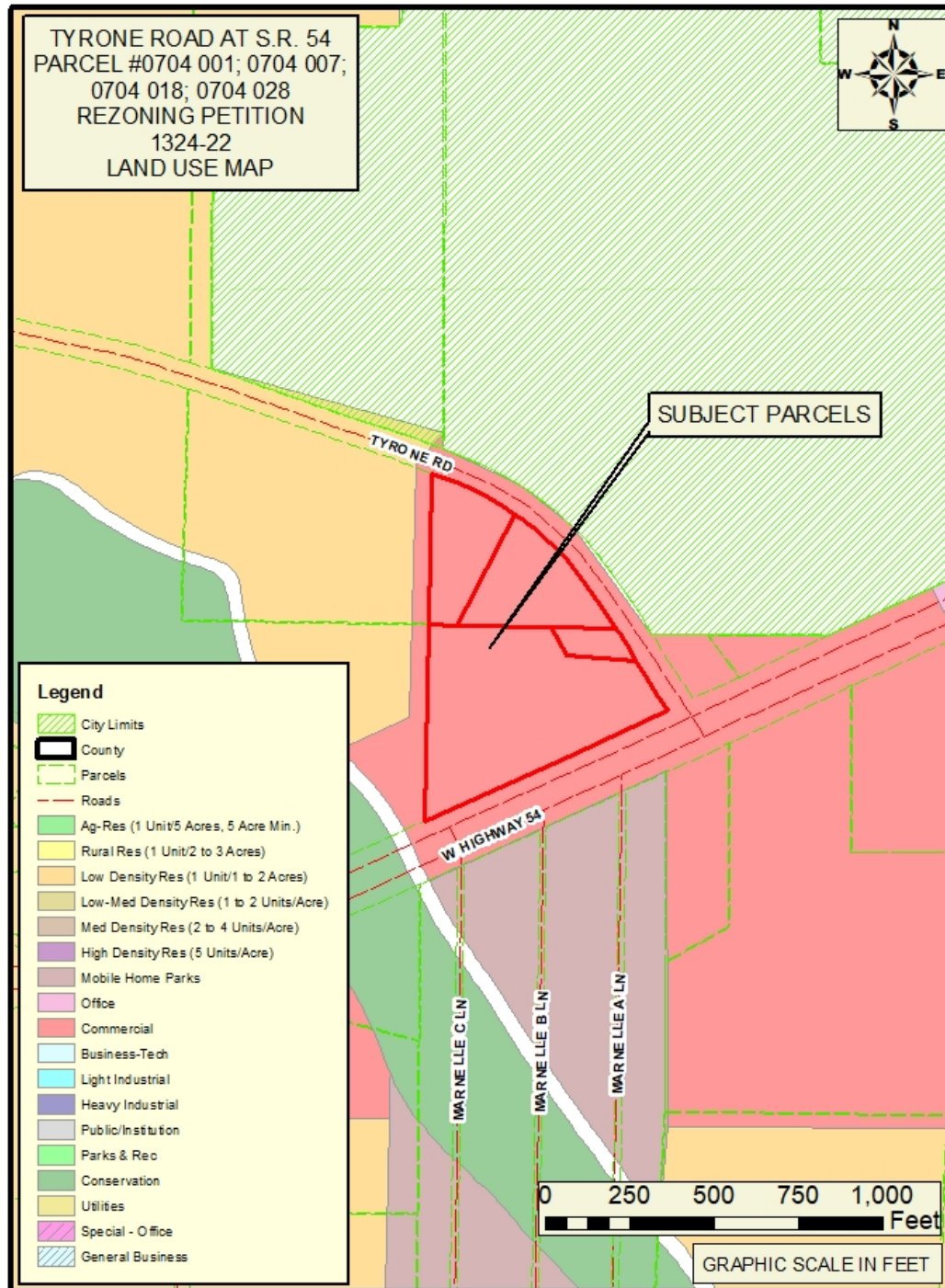
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

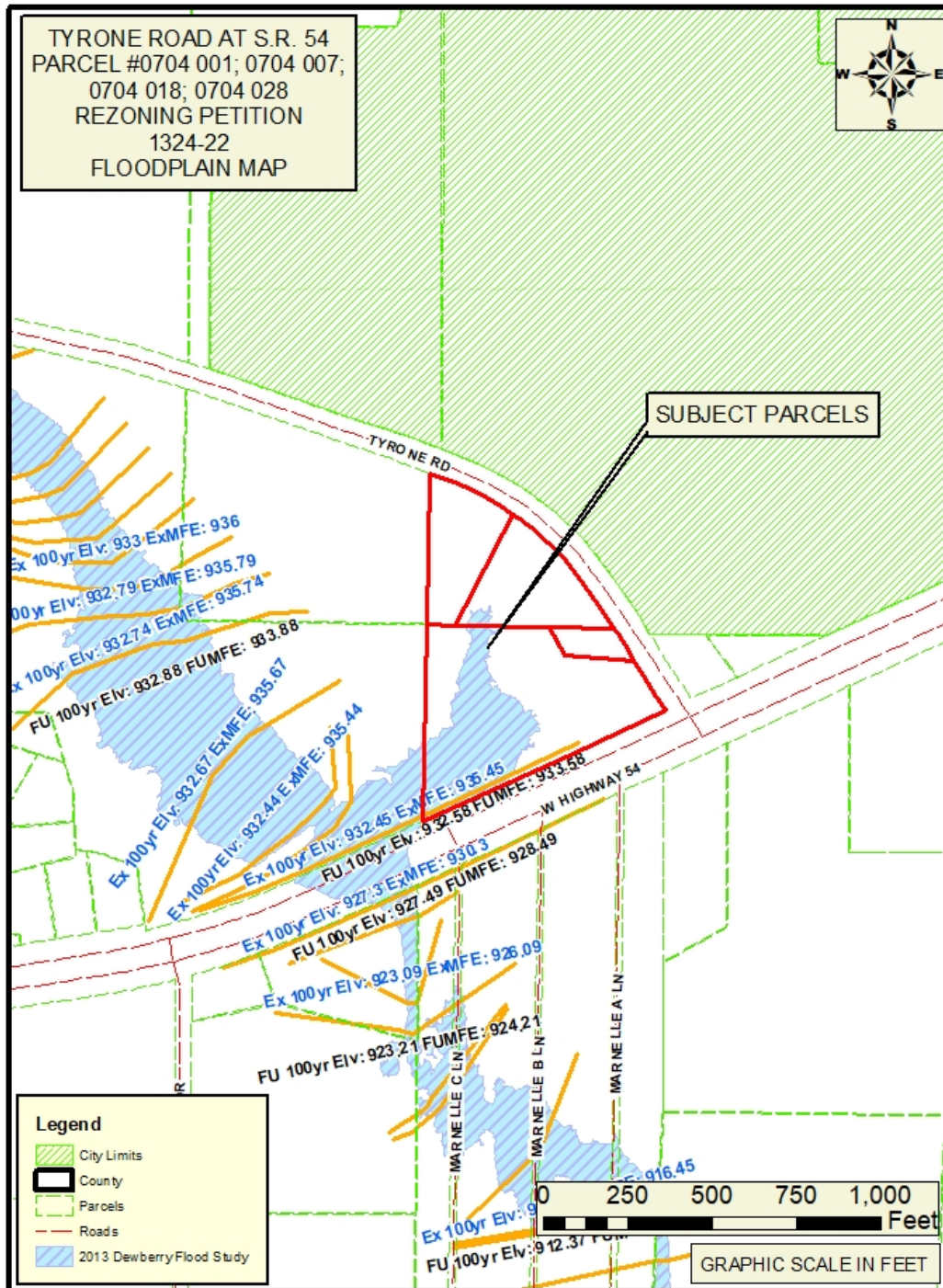
G. STAFF ANALYSIS

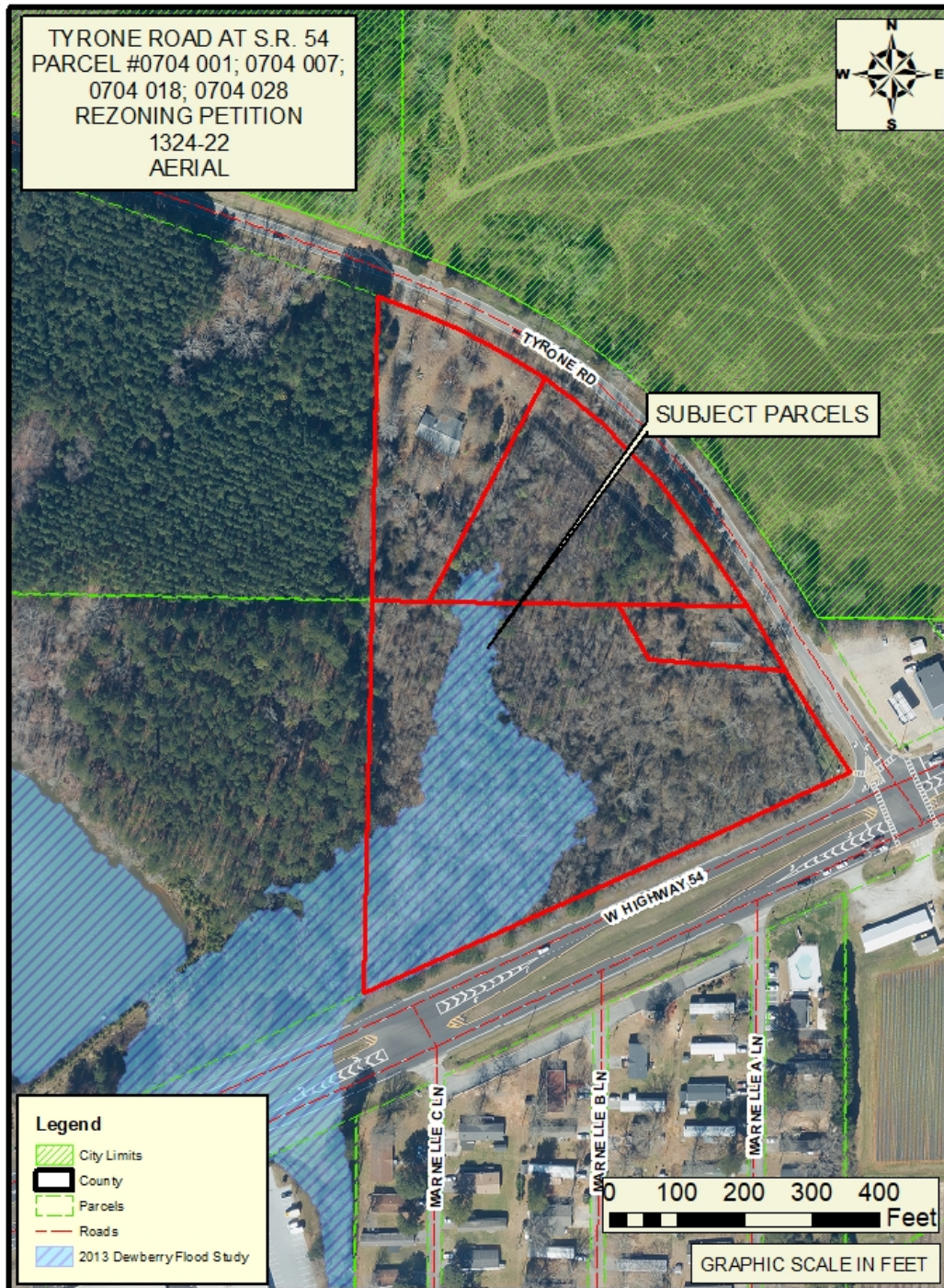
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject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

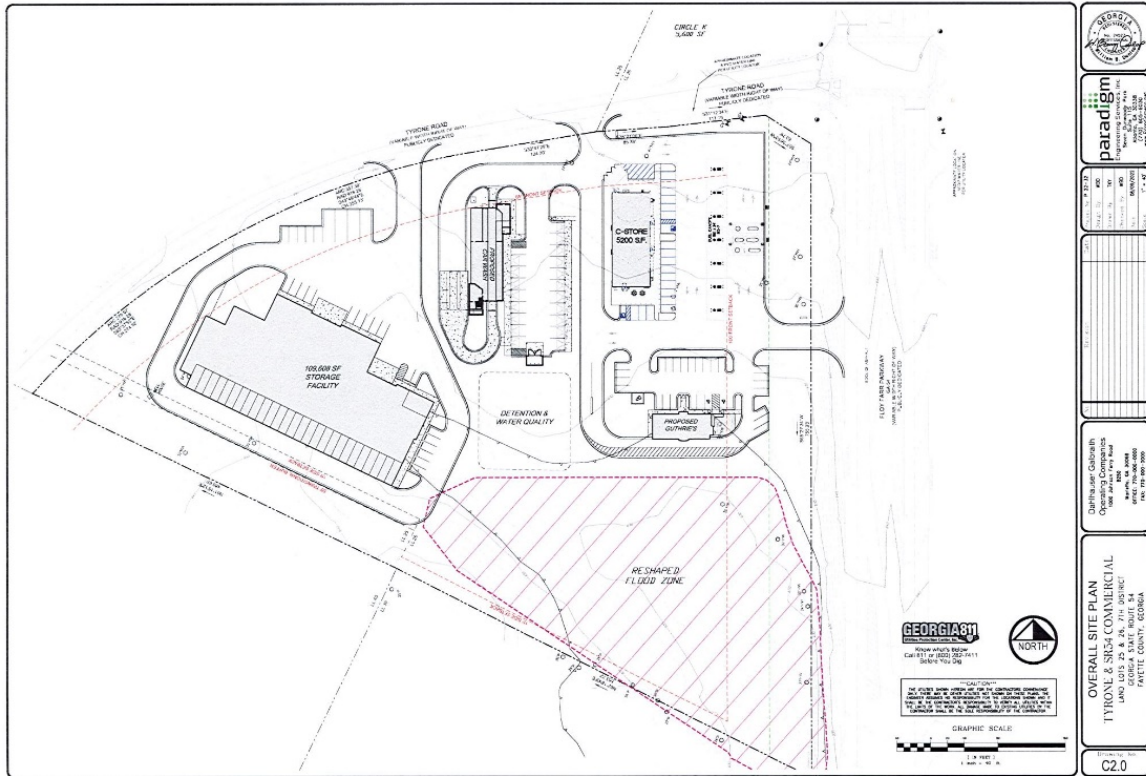












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

PETITION NO: 1324-22 – D

REQUESTED ACTION: C-C to C-H

PROPOSED USE: Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

EXISTING USE: Vacant Land & 2 vacant single-family homes

LOCATION: S.R. Highway 54 & Tyrone Road

DISTRICT/LAND LOT(S): 7th District, Land Lot 25

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 1.948 acres from C-C to C-H to develop commercial & retail businesses.

STAFF RECOMMENDATION

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area.. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
3. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
5. All existing structures on the parcels that are a subject of this rezoning shall be removed within 90 days of the approval of the rezoning.
6. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract, and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7th District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

B. SURROUNDING ZONING AND USES

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
South (across SR 54)	50.34	M-H-P	Manufactured Home Park	Manufactured Home Park
East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
	3	C-H	Vacant	Commercial

C. COMPREHENSIVE PLAN

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

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

D. ZONING/REGULATORY REVIEW

Transportation Corridor Overlay Zone for SR 54 West

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

Access & Right-of Way

The Concept Plan submitted indicates access from Tyrone Road and S.R. 54. Right of Way donation along Tyrone Road is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by Georgia Department of Transportation. The current concept plan does not provide the Right of Way dedication.

Concept Plan

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

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Article II of the Development Regulations. This Site Plan is part of the Land Disturbance Permit package. Approval of this zoning petition does not constitute approval of the Concept Plan as the Site Plan.

Architectural Review

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- ☐ **Public Works/Environmental Management**
 - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance, including but not limited to xxx.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
 - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
 - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
 - This office has no records of the septic system located at 144 Tyrone Rd. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction.
 - Due to the proposed use of this land, it is highly recommended by this office that the facility connect to public sewer. There may be minimal space of usable soils and the proposed use will require a large square foot for septic. If sewer is not feasible, then it is highly recomm

- ended that the owners contact this office early in the process. The use of the property will be limited and dictated by the available soils. If an onsite septic system is to be utilized, then an application must be submitted to this office. These items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.
- ☐ **Fire** – has not provided any comments
- ☐ **Georgia Department of Transportation** - The proposed access to SR 54 (Floy Farr Pkwy) will need to be located from Tyrone Rd a minimum of 350' with a right-in/right-out access and decel lane and an ICE report waiver will need to be provided when applying for a GDOT encroachment permit, the applicant should be made aware of these GDOT requirements.

F. STANDARDS

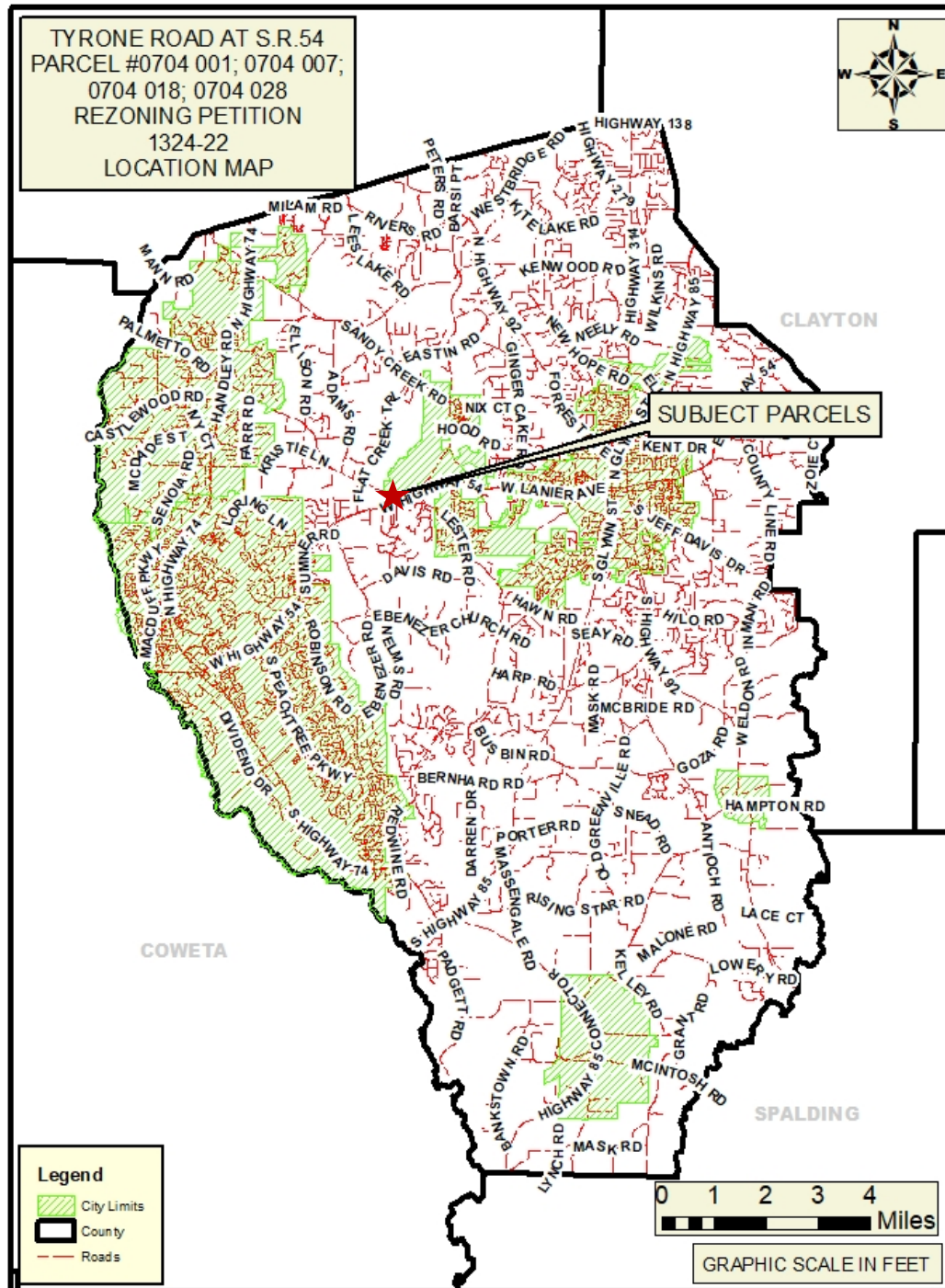
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

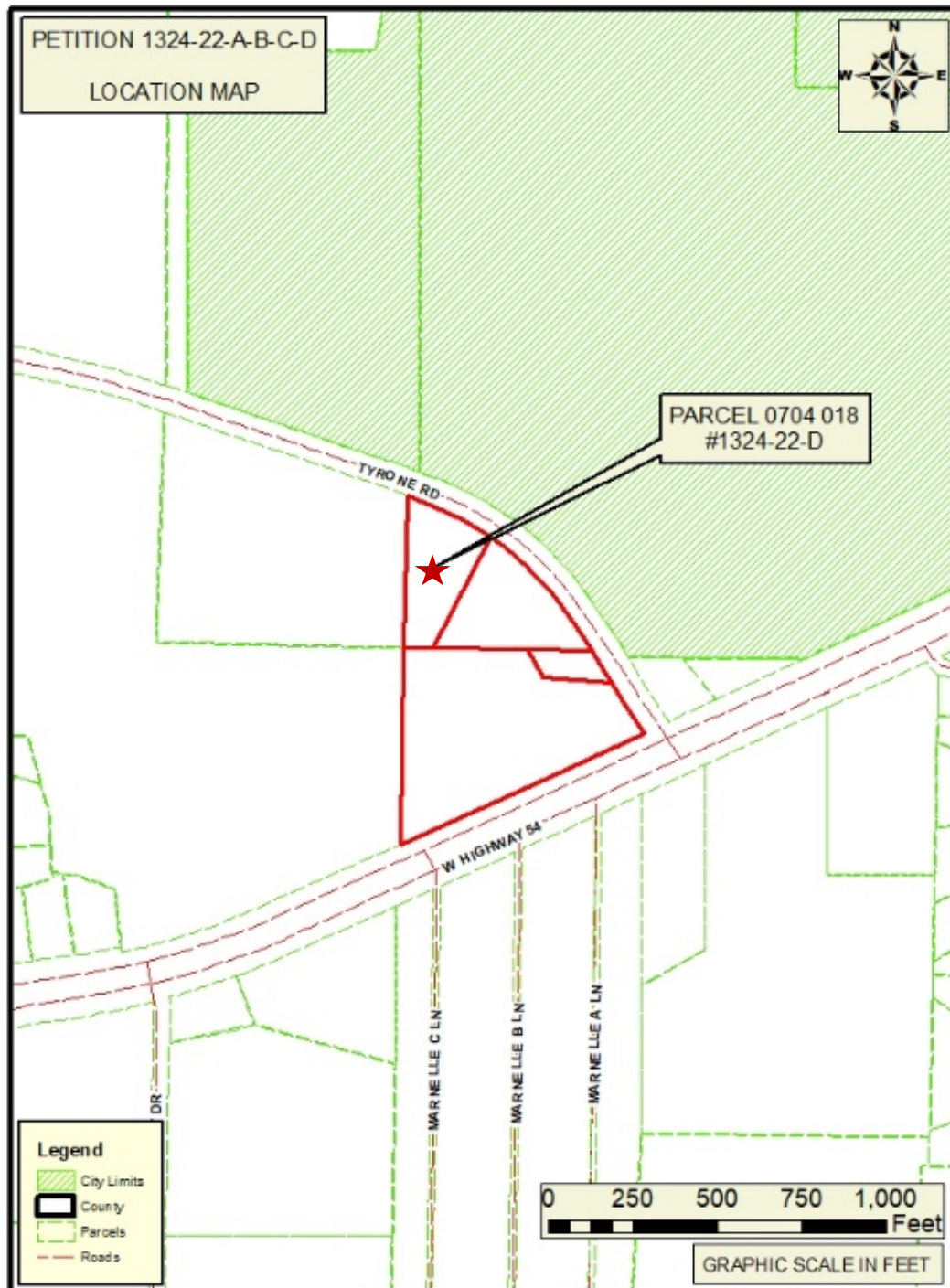
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

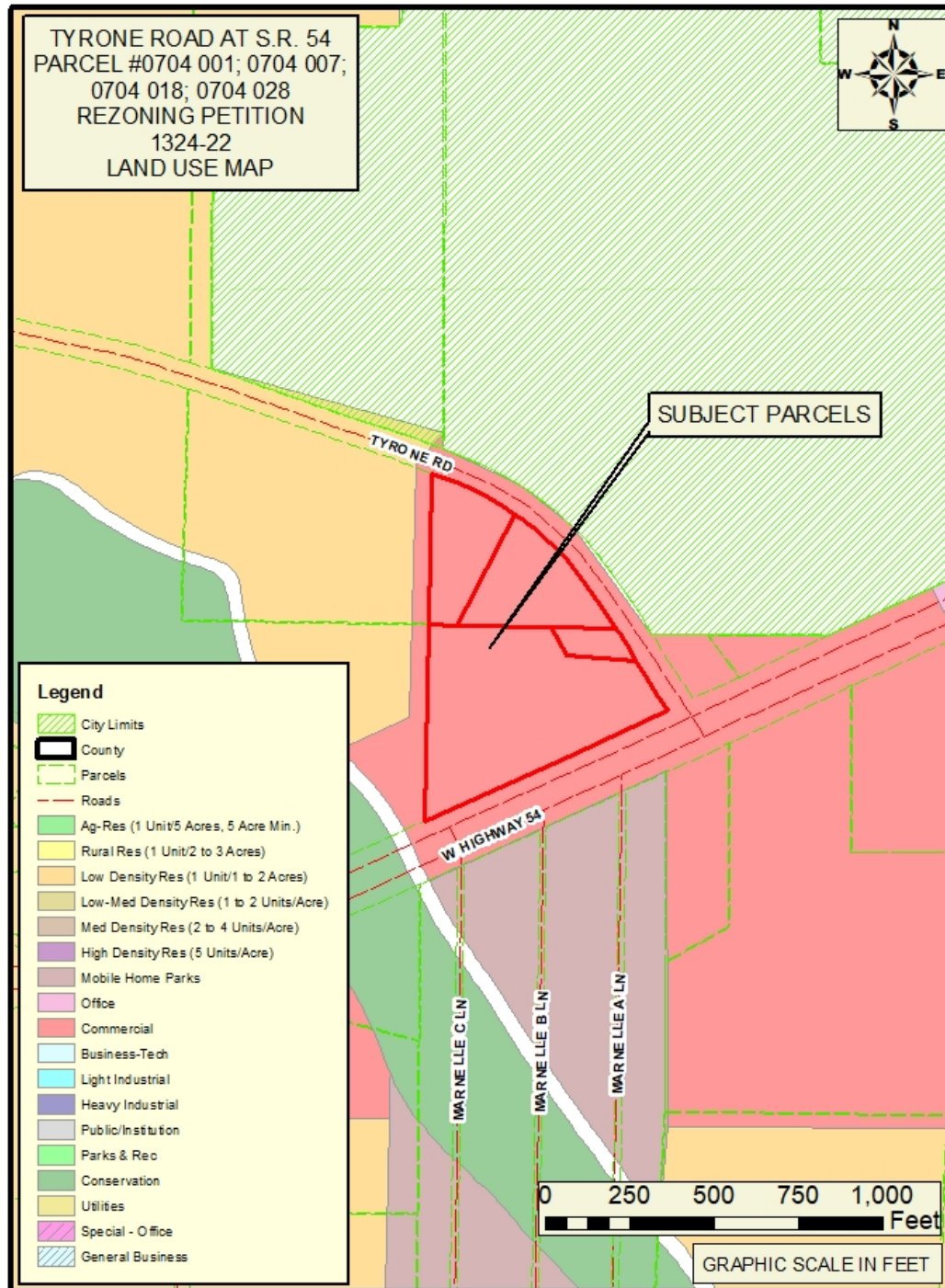
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

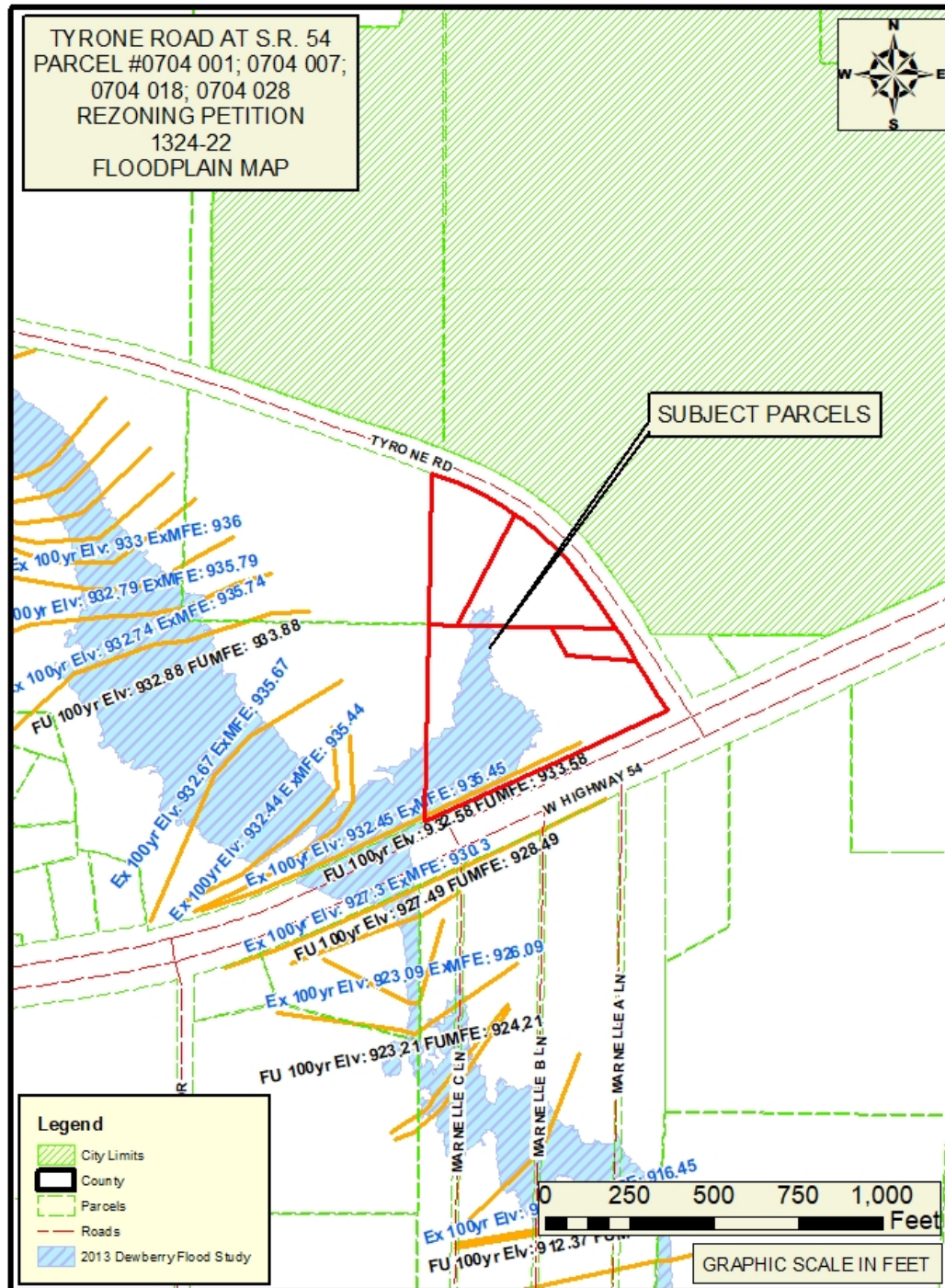
G. STAFF ANALYSIS

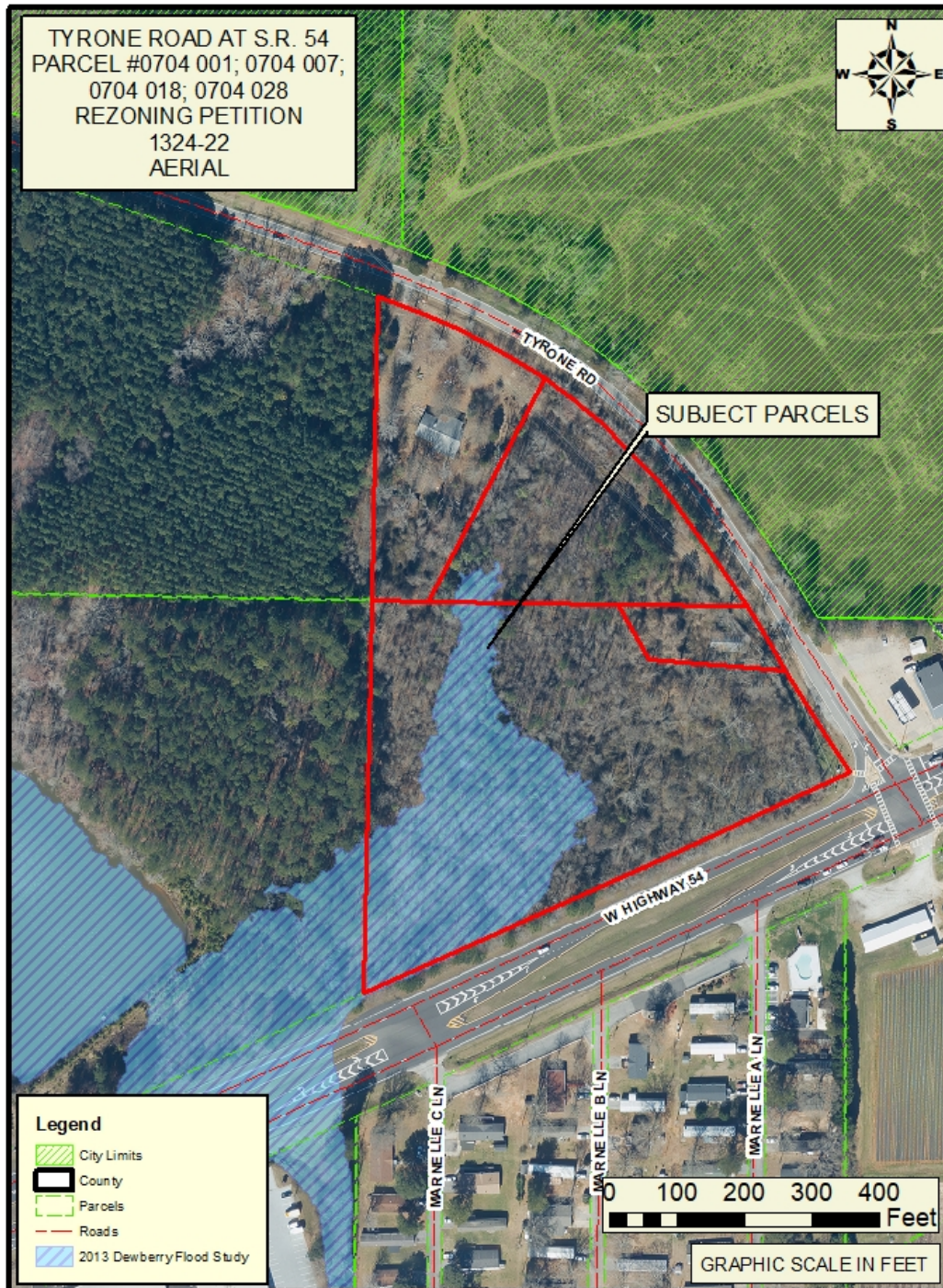
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject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

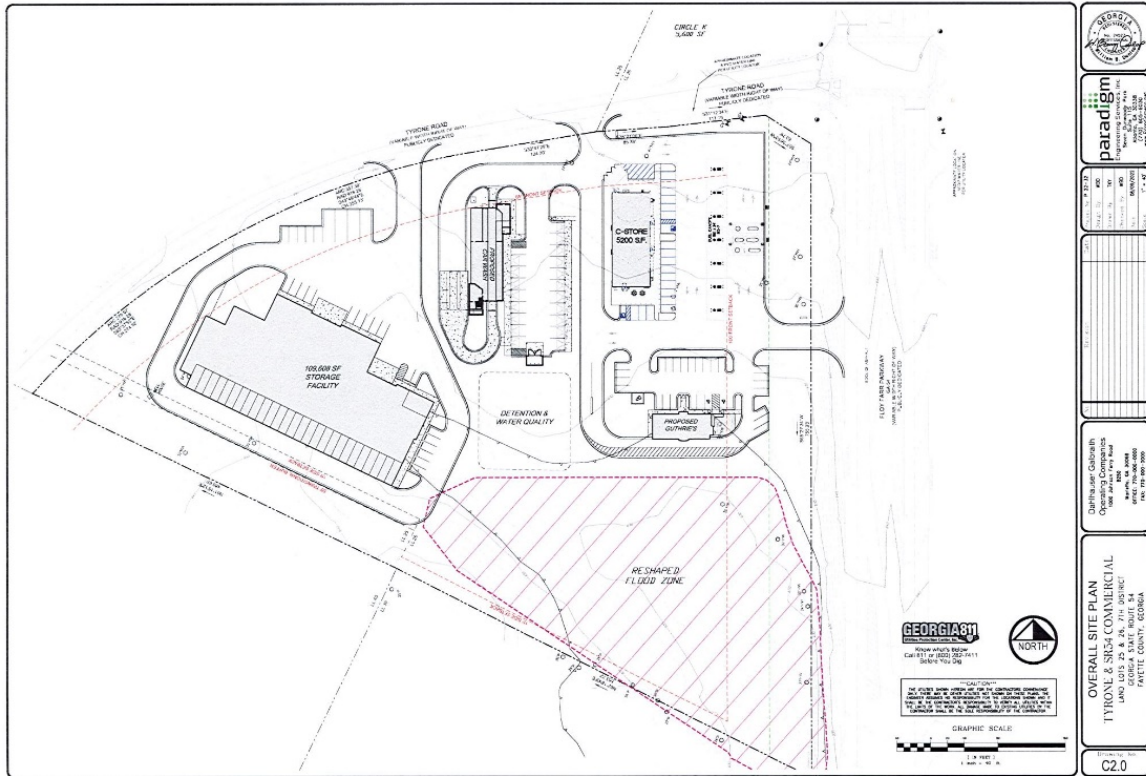












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING



1324-22 Tyrone Road



1324-22 Tyrone Road



1324-22 Highway 54

LETTER OF INTENT

DG Development Partners, LLC ("DG Partners") seeks to rezone the northwest corner of the Hwy 54/Tyrone Road intersection located next to the city limits of Fayetteville and the recently approved data center. DG Partners seeks a C-H zoning for 9.89 +/- acres. The property is currently zoned C-C. DG Partners seeks to develop a convenience store, a quick service restaurant (such as a Guthrie's), a high-end automated car wash, and a multi-story interior access self-storage facility on the property. The subject property is bordered by the property that will become the data center in the City of Fayetteville, a small convenience store that sells gasoline, mobile home park, vacant land, and is catacorner to the Smith & Davis clothing store. Nearby the property is Trilith Studios, the burgeoning Trilith community, Piedmont Fayette Hospital, and numerous medical and other office buildings.

It may be interesting to note that one of the individuals involved in this project and who will own 1/3 of it is a 20+ year resident of Fayette County, is married to a woman who was born and raised in the county, and lives approximately 3 miles from the property. He will be spearheading the development and has a deep, personal interest in bringing only quality development to his home and community.

The subject property is actually composed of four smaller tracts of land. There are vacant, dilapidated houses on two of the tracts; the other two tracts lie completely vacant. The property located at the NW corner of the intersection of Tyrone Road and SR 54 is currently zoned C-C and is designated as commercial in the 2017 Comprehensive Plan. The property along SR 54 lies within the SR 54 West Overlay Zone. The current zoning for the property permits, as of right, the development of a quick service restaurant. Also, the current zoning allows the development of the convenience store with gasoline sales as a conditional use. The proposed convenience store will comply with those conditions including the location of the facilities, gasoline pump islands, and underground storage tanks. Both of those uses will front along SR 54. The proposed car wash and self-storage facility, which will front along Tyrone Road, require rezoning to C-H. The current four tracts will be combined and then subdivided into tracts for the four proposed uses. Since the boundary lines will shift, a rezoning of the entire combined four properties is needed.

The applicant has submitted a preliminary site plan that outlines the structures to be erected. The parking for the convenience store may need to be adjusted to meet the requirements of the SR 54 West Overlay Zone requirements and the applicant is willing to do that. The construction materials for the various structures lying within the overlay zone will meet or exceed the architectural standards found in the controlling ordinance. Likewise, landscaping and lighting of those tracts will meet or exceed the requirements set forth in the overlay zone. The self-storage facility will meet the requirements for conditional use approval including decorative facing, properly located vehicle loading/unloading areas, canopies, and wide aisle ways. No improper outdoor storage will be permitted. The applicant has submitted with this application an example of the type and quality self-storage facility planned for the property. Landscaping, construction materials, and architectural designs for all four properties will enhance the look of this intersection that will become even more important to the community when the data center is built and operating.

In summary, DG Partners wants to develop an attractive commercial node at this intersection that will provide services and amenities for this growing area of the county. Rezoning the property to C-H will enable DG Partners to do just that.

Doc ID: 011377890002 Type: WD
 Recorded: 10/21/2021 at 04:55:00 PM
 Fee Amt: \$25.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

WARRANTY DEEDBK **5389** PG **33-34**

STATE OF GEORGIA
 COUNTY OF FAYETTE

After filing please return to:
 Southeast Properties
 P.O. Box 1387
 Fayetteville, Georgia 30214

THIS INDENTURE made this 9th day of December, 2019, between **TYRONE 54, LLC** (hereinafter called the "Grantor") and **BBWJ, LLC** (hereinafter called the "Grantee"). The words "Grantor" and "Grantee" include their respective heirs, executors, administrators, successors, and assigns.

WITNESSETH: That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey its ONE-HALF UNDIVIDED INTEREST in the following property to Grantee,

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOTS 25 & 26 of the 7th District of Fayette County, Georgia, containing 5.594 acres and being more particularly described on the attached Exhibit "A" and incorporated herein by this reference hereto for a more complete and particular description.

This conveyance is subject to any and all easements and restrictions of record.

TO HAVE AND TO HOLD said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, and benefit of Grantee, forever, IN FEE SIMPLE.

AND subject to the title matters expressly set forth hereinabove, if any, GRANTOR will WARRANT and forever defend the right and title to the above referenced property unto Grantee against the lawful claims of all persons whomsoever.

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

Signed, sealed, and delivered
 in the presence of:

TYRONE 54, LLC:

Carrie Cor
 UNOFFICIAL WITNESS

John W. Bonner
 John W. Bonner, Managing Member

Jodie Andriotti
 NOTARY PUBLIC
 MY COMMISSION EXPIRES
 12/17/22

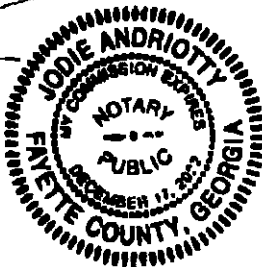


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 25 & 28 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE COMMON LAND LOT LINES OF LAND LOTS 25, 26, 39 AND 40, RUNNING THENCE SOUTH 89 DEGREES 51 MINUTES 32 SECONDS EAST A DISTANCE OF 139.97 FEET TO A POINT RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 14 SECONDS EAST A DISTANCE OF 254.82 FEET TO A ONE INCH OPEN TOP PIPE; RUNNING THENCE SOUTH 11 DEGREES 45 MINUTES 50 SECONDS EAST A DISTANCE OF 79.91 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY LINE OF TYRONE ROAD (80 FOOT RIGHT OF WAY); RUNNING THENCE ALONG SAID RIGHT OF WAY SOUTH 33 DEGREES 35 MINUTES 00 SECONDS EAST A DISTANCE OF 117.19 FEET TO A RIGHT OF WAY MONUMENT AT THE INTERSECTION OF TYRONE ROAD AND STATE ROUTE 54; RUNNING THENCE SOUTH 10 DEGREES 55 MINUTES 27 SECONDS WEST A DISTANCE OF 63.73 FEET TO A RIGHT OF WAY MONUMENT; RUNNING ALONG RIGHT OF WAY OF STATE ROUTE 54 (A VARIABLE WIDTH RIGHT OF WAY) RUNNING THENCE ALONG SAID RIGHT OF WAY OF STATE ROUTE 54 SOUTH 65 DEGREES 25 MINUTES 00 SECONDS WEST A DISTANCE OF 755.30 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 23 MINUTES 10 SECONDS EAST A DISTANCE OF 553.12 FEET TO AN IRON PIN FOUND AT THE COMMON LAND LOT LINES OF LAND LOTS 25, 26, 39 AND 40 AND THE POINT OF BEGINNING. SAID TRACT BEING KNOWN AS TRACT 4 CONTAINING 6.6940 ACRES AS PER PLAT PREPARED FOR SOUTHEAST PROPERTIES BY SITE DESIGN SERVICES, INC. DATED 2/24/03 .

PARCEL ID NUMBER: 07-04-001

PARCEL ID NUMBER: 07-04-001F

Return to:
EDGE & KIMBELL LAW, LLC
 503 Commerce Drive
 Peachtree City, GA 30269

File No.: PTC-21-2384
 Parcel ID: 07-04-00-007

Type: WD
 Recorded: 7/20/2021 3:22:00 PM
 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

Participant ID: 9035938284

BK 5327 PG 303 - 305

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 14th day of July, 2021 between

Tyrone 54, LLC, a Georgia Limited Liability Company,

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

BBWJ, LLC, a Georgia Limited Liability Company,

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

WITNESSETH that: Grantor, for and in consideration of the sum of **Ten Dollars (\$10.00) AND OTHER VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

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

commonly known as **112 Acres Tyrone Rd., Fayetteville, GA 30214**

SUBJECT to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

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

General Warranty Deed - Commercial

File No.: PTC-21-2384

Page 1 of 3

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

[Signature]
Notary Public
My Commission Expires: 2-23-2025
SEAL:

Tyrone 54, LLC

By: [Signature] (SEAL)
John W. Bonner, Member

By: [Signature] (SEAL)
Carter W. Johnson, Member



EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the 7th Land District of Fayette County, Georgia and being a portion of Land Lot Number 26, and more particularly described as follows:

BEGINNING on the Westerly side of the old Tyrone Public Road, now a Post Road, and from thence running in a Westerly direction two hundred (200) feet; and from thence in a Northerly direction eighty (80) feet; and from thence in an Easterly direction two hundred (200) feet; and from thence in a Southerly direction eighty (80) feet to the point of **BEGINNING**; upon which is situate a frame dwelling house . Said property being bounded as follows: On the North by lands formerly known as the Beulah Smith property, now owned by John A. Lester and others; on the south and West by lands of Grady Crews. and on the East by the Tyrone Post Road.

This being the property described in a Warranty Deed from Earl Brown to James A. Griffin dated March 27, 1953, and recorded April 4, 1953, in Book 36, pages 196-197, Fayette County Deed records; and being the same property described in a Warranty Deed from James A. Griffin to Grantor, dated July 13, 1968. and recorded in Deed Book 75, Page 223, in the office of the Clerk of Superior Court of Fayette County, Georgia.

Return to:
EDGE & KIMBELL LAW, LLC
 503 Commerce Drive
 Peachtree City, GA 30269

File No.: PTC-21-2384
 Parcel ID: 0704 018 & 0704 028

Type: WD
 Recorded: 7/20/2021 3:22:00 PM
 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

Participant ID: 9035938284

BK 5327 PG 300 - 302

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 14th day of July, 2021 between

John W. Bonner, Carter W. Johnson and CBW Investments, LLC,

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

BBWJ, LLC, a Georgia Limited Liability Company,

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

WITNESSETH that: Grantor, for and in consideration of the sum of **Ten Dollars (\$10.00) AND OTHER VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

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

commonly known as **3.94 Acres Tyrone Rd., Fayetteville, GA 30214**

SUBJECT to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

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

General Warranty Deed - Commercial

File No.: PTC-21-2384

Page 1 of 3

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

[Signature]
Notary Public
My Commission Expires: 2-23-2025
SEAL:



CBW Investments, LLC

By: [Signature] (SEAL)
John W. Bonner, Managing Member

[Signature] (SEAL)
Carter W. Johnson, Individually

[Signature] (SEAL)
John W. Bonner, Individually

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 25 OF THE 7th LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE SOUTHERLY BOUNDARY OF LAND LOT 25, SUCH IRON PIN BEING LOCATED 140.00 FEET FROM THE COMMON INTERSECTION OF LAND LOTS 25, 26, 39, AND 40, AS MEASURED FROM SUCH POINT OF INTERSECTION IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF LAND LOT 25; THENCE PROCEED NORTH 16 DEGREES 23 MINUTES 23 SECONDS EAST A DISTANCE OF 376.11 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD (ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD - A 60 FOOT RIGHT OF WAY); THENCE PROCEED IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD AN ARC DISTANCE OF 356.88 FEET, SUCH ARC HAVING A RADIUS OF 916.73 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 45 DEGREES 33 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 354.63 FEET TO A POINT; THENCE PROCEED SOUTH 35 DEGREES 30 MINUTES 05 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD A DISTANCE OF 124.00 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 89 DEGREES 08 MINUTES 52 SECONDS WEST A DISTANCE OF 176.73 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 87 DEGREES 59 MINUTES 06 SECONDS WEST A DISTANCE OF 254.79 FEET TO AN IRON PIN AND THE ORIGINAL POINT OF BEGINNING.

THE SUBJECT TRACT OR PARCEL OF LAND CONTAINS A TOTAL OF 1.94 ACRES, AND IS FULLY DEPICTED ON A PLAT OF SURVEY PREPARED FOR J.A. LESTER BY LARRY J. SEABOLT, REGISTERED LAND SURVEYOR, DATED OCTOBER 27, 1986. SUCH PLAT OF SURVEY IS, BY THIS REFERENCE INCORPORATED IN AND MADE A PART HEREOF.

ALL THAT TRACT AND PARCEL OF LAND, WITH HOUSE AND ALL OTHER IMPROVEMENTS THEREON, LYING AND BEING IN LAND LOT 25 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 1.983 ACRES AND SHOWN ON PLAT OF SURVEY FOR HANK T. TEW AND REBECCA ANN TEW BY AB. VAUGHN, GEORGIA REGISTERED LAND SURVEYOR NO. 1629, DATED APRIL 30, 1993 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LAND LOT 25, 26, 39 AND 40 IN SAID DISTRICT AND RUNNING THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST 480.58 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF THE ROAD WHICH RUNS FROM STATE ROUTE 54 TO STATE ROUTE 74, COMMONLY KNOWN AS TYRONE ROAD AND ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD; THENCE RUNNING SOUTHEASTERLY ALONG SAID RIGHT OF WAY 276.0 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 16 DEGREES 22 MINUTES 19 SECONDS WEST 376.11 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 88 DEGREES 07 MINUTES 34 SECONDS WEST 140.0 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY AS THAT CONVEYED TO JOHN W. BONNER, SR. AND CARTER W. JOHNSON BY VIRTUE OF WARRANTY DEED FROM CLYDE H. AVERY, DATED DECEMBER 31, 2006, FILED AND RECORDED IN DEED BOOK 3327, PAGES 25-26, FAYETTE COUNTY, GEORGIA RECORDS AND CURRENTLY KNOWN AS 144 TYRONE ROAD.

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

PROPERTY OWNERS: TYRONE 54, LLC; BBWJ, LLC

MAILING ADDRESS: 382 SENOIA RD, STE A, TYRONE, GA 30290; P.O. BOX 1387, FAYETTEVILLE, GA 30214

PHONE: (770) 460-7093 **E-MAIL:** Bill@southeastproperties.com

AGENT FOR OWNERS: DG DEVELOPMENT PARTNERS, LLC (RICHARD LINDSEY, ATTORNEY)

MAILING ADDRESS: 1000 JOHNSON FERRY RD, STE B250, MARIETTA, GA 30068

PHONE: (404) 414-6200 **E-MAIL:** PETRAS.JOEY@GMAIL.COM

PROPERTY LOCATION: LAND LOT 25 & 26 LAND DISTRICT 7TH PARCEL (26) 0704-001 - 5.615
LAND LOT LAND DISTRICT 7TH PARCEL (25) 0704-007 - .331
LAND DISTRICT PARCEL (25) 0704-018 - 1.948
TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9.89 7TH (25) (C) 0704-028 - 1.993
9.887

EXISTING ZONING DISTRICT: CC **PROPOSED ZONING DISTRICT:** CH

ZONING OF SURROUNDING PROPERTIES: County - CH; AR; MHP; Fayetteville - Business Park

PRESENT USE OF SUBJECT PROPERTY: VACANT LAND

PROPOSED USE OF SUBJECT PROPERTY: CONVENIENCE STORE, CAR WASH, INTERIOR ACCESS SELF STORAGE, QUICKSERVE RESTAURANT W/ DRIVE-THROUGH

LAND USE PLAN DESIGNATION: COMMERCIAL

NAME AND TYPE OF ACCESS ROAD: SR 54 (MAJOR ARTERIAL); TYRONE RD. (MINOR ARTERIAL)

LOCATION OF NEAREST WATER LINE: ON-SITE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1324-22 A, B, C, & D

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Richard Lindsey Date: Sept 1, 2022

DATE OF PLANNING COMMISSION HEARING: OCT. 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT. 27, 2022

Received from LINDSEY, LACY, P.C. a check in the amount of \$ 1,100.00 (#4407) for application filing fee, and \$ 100.00 (#4408) for deposit on frame for public hearing sign(s).

Date Paid: AUG 31, 2022 Receipt Number: 1324-22 A - \$590.00 - 015784

TOTAL PAID \$1,400.00
\$1,100.00 CHECK # 4407
\$300.00 CHECK # 4408
REZONING APPLICATION, FAYETTE COUNTY, GA
\$1,400

1324-22 B - \$270.00 - 015785
1324-22 C - \$270.00 - 015786
1324-22 D - \$270.00 - 015788

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

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

TYRONE 54 LLC, BBWJ, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0704-001; 0704-007; 0704-018; 0704-028

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 25 & 26 of the 7TH District, and (if applicable to more than one land district) Land Lot(s) 28 of the 7TH District, and said property consists of a total of 9.84 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

TYRONE, LLC
BY: [Signature]
Signature of Property Owner 1
382 SENOIA RD, STE A, TYRONE, GA 30290

Address
BBWJ, LLC
BY: [Signature]
Signature of Property Owner 2
P.O. BOX 1387, FAYETTEVILLE, GA 30214

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public
8/30/22
Date

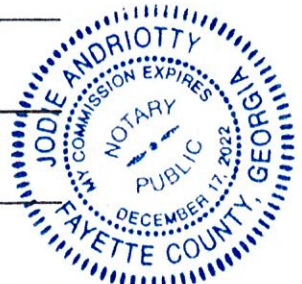
[Signature]
Signature of Notary Public
8/30/22
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: DG DEVELOPMENT PARTNERS, LLC, MATT DAHLHAUSER PETITION NUMBER: _____
ADDRESS: 1000 JOHNSON FERRY RD., STE B250, MARIETTA, GA 30068

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

DG DEVELOPMENT PARTNERS, LLC BY MATT DAHLHAUSER affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) CC Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CH.

This property includes: (check one of the following)

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

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6TH day of OCTOBER, 20 22 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27TH day of OCTOBER, 20 22 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30TH DAY OF AUGUST, 20 22,

DG DEVELOPMENT PARTNERS, LLC

Tammy Feilmeier
NOTARY PUBLIC

BY: [Signature]

APPLICANT'S SIGNATURE MATT DAHLHAUSER



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

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

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

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

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

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

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

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 30TH day of AUGUST, 2022.

DG DEVELOPMENT PARTNERS, LLC

BY:



APPLICANT'S SIGNATURE MATT DAHLHAUSER

DISCLOSURE STATEMENT

Please check one:

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

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR REZONING REQUEST

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

- ☒ 1. Application form and all required attachments completed, signed, and notarized, as applicable.
- ☒ 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- ☒ 3. Boundary Survey (1 copy if separate from Conceptual Plan), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor. The Boundary Survey and Concept Plan may be combined.
- ☒ 4. Conceptual Plan (20 copies if larger than 11" x 17"). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey, however it is required to be drawn to scale, and include all applicable items below:
 - ☒ a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
 - ☒ b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
 - ☒ c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
 - ☒ d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
 - ☒ e. Minimum zoning setbacks and buffers, as applicable.
 - ☒ f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
 - ☒ g. Location and dimensions of exits/entrances to the subject property.
 - ☒ h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
 - ☒ i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
- ☒ 5. A letter of intent for a non-residential rezoning request, including the proposed use(s).

PETITION NO: 1325-22

REQUESTED ACTION: A-R to R-75

PROPOSED USE: 3 Single-Family Residential Lots

EXISTING USE: 1 Agriculture-Residential (single-family) Lot (vacant)

LOCATION: South of 1585 Redwine Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 2

OWNERS: Eric K. Maxwell

AGENT: Randy Boyd

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 8.49 acres from A-R to R-75 to develop 3 Single-Family Residential Lots.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, the area is designated as Rural Residential-2 (1 unit/2 acres); R-75 (Single-Family Residential District) meets the criteria for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-75 – Single-Family Residential.

RECOMMENDED CONDITIONS

1. The applicant shall apply for the Minor Final Plat within 30 days of the approval of the rezoning petition and shall record the plat within 30 days of plat approval by the Planning Commission.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is an 8.49-acre tract that fronts on Redwine Road in Land Lot 2 of the 5th District. Redwine Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The property has 1 single-family home on it and a smaller residential structure that is a guest house.

The parcel is currently zoned *A-R, Agriculture- Residential*.

The area is designated for Low-density residential (Rural Residential-2, (1 unit/ 2 acres)) & Conservation uses in the Land Use Plan, Fayette County Comprehensive Plan. The ‘*Conservation*’ designation is for areas within the FEMA 100-year floodplain.

B. SURROUNDING ZONING AND USES

All property immediately adjacent to the subject parcel is zoned A-R and is composed of single-family residential and agricultural uses. A few hundred feet to the south, on both sides of Redwine Road, is property zoned PUD, composed of single-family residential properties. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	All	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres) & Conservation
South	All	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres) & Conservation
East	all	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres)
West	all	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres) & Conservation

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential-2 uses. Per the Land Use element of the Fayette County Comprehensive Plan, the residential land use sub-category is described as:

Rural Residential - 2: *These are areas which allow residential development with a minimum density of one dwelling unit per two acres. County water is available in some areas; the Conservation Subdivision (CS) Zoning District is appropriate in this area.*

D. ZONING/REGULATORY REVIEW

Access & Right-of Way

The Concept Plan submitted indicates access from Redwine Road for all lots. A Right of Way donation is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52) and is reflected on the concept plan.

Site Plan – The proposed site plan creates 3 single-family residential lots. A Minor Final Plat will be required.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 12" DIP water main along the west side of Redwine Rd at this location.
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. The surveyor must provide sight distance assessments for each parcel to demonstrate that adequate sight distance is present for future driveways.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0113E dated September 26, 2008 but **DOES NOT** contain floodplain per the FC 2013 Future Conditions Flood Study. New development must meet all requirements of the Floodplain Management Ordinance. Elevation certificates and Minimum Finished Floor Elevations (MFFE) will be required.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The Department has no objection to the proposed rezoning. However, this office does not guarantee each proposed lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, an application must be submitted to this office for each lot prior to building a residential home. These items must be submitted with the initial application: the applicable fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan of the house, a site plan sketch, and a plat of the property.
- ☐ **Fire** – The department has no objections to this rezoning.

STANDARDS

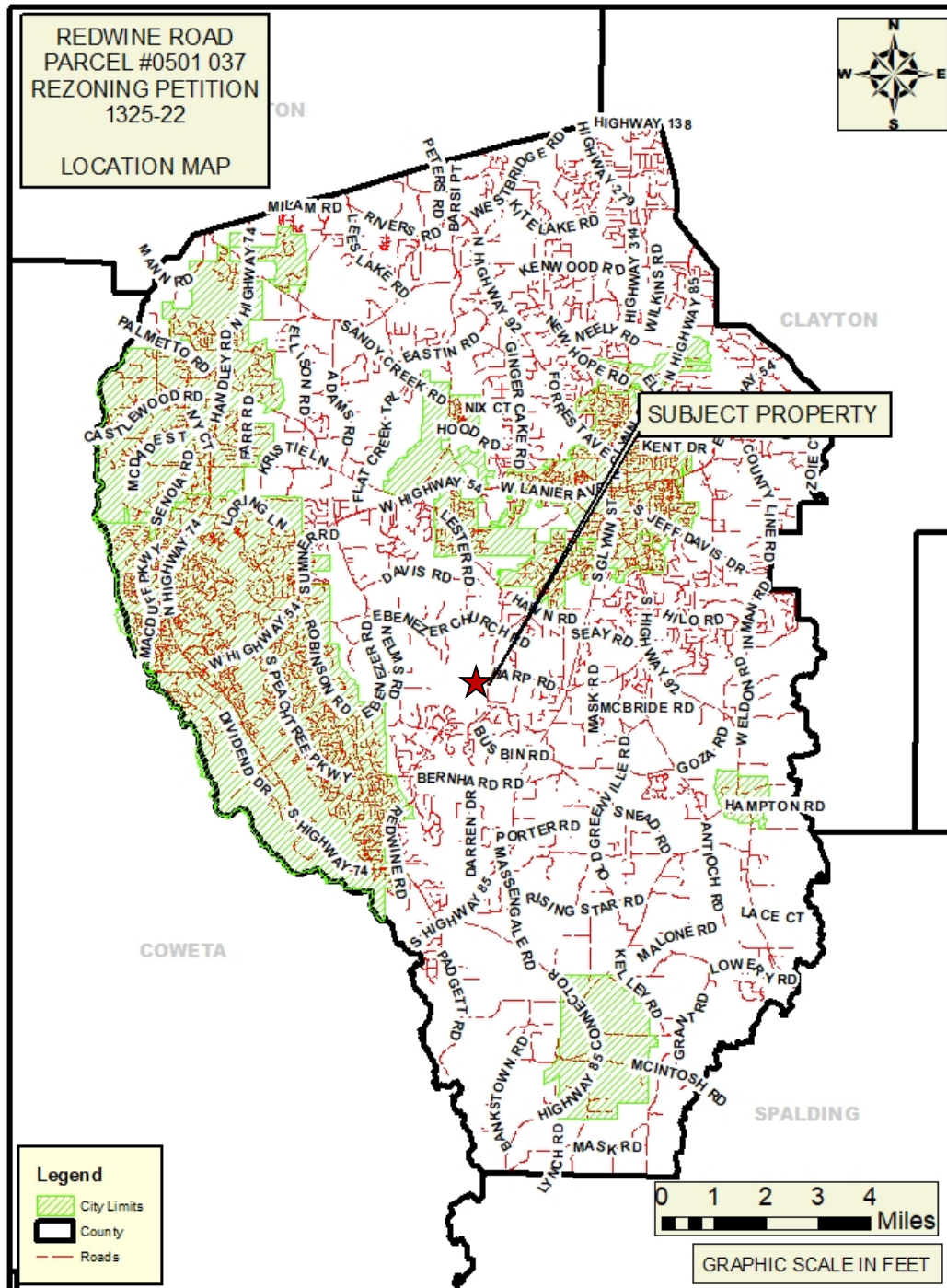
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

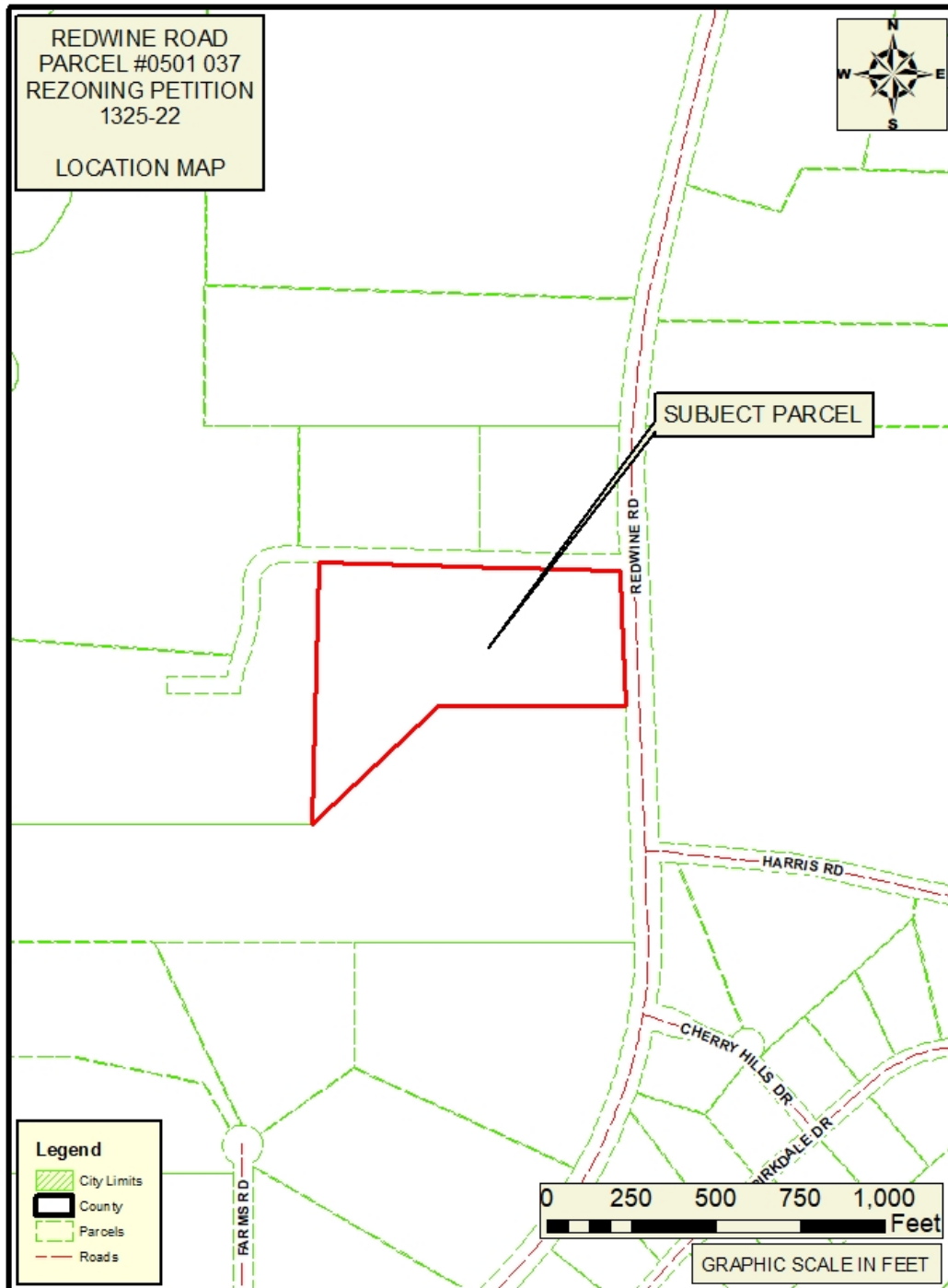
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

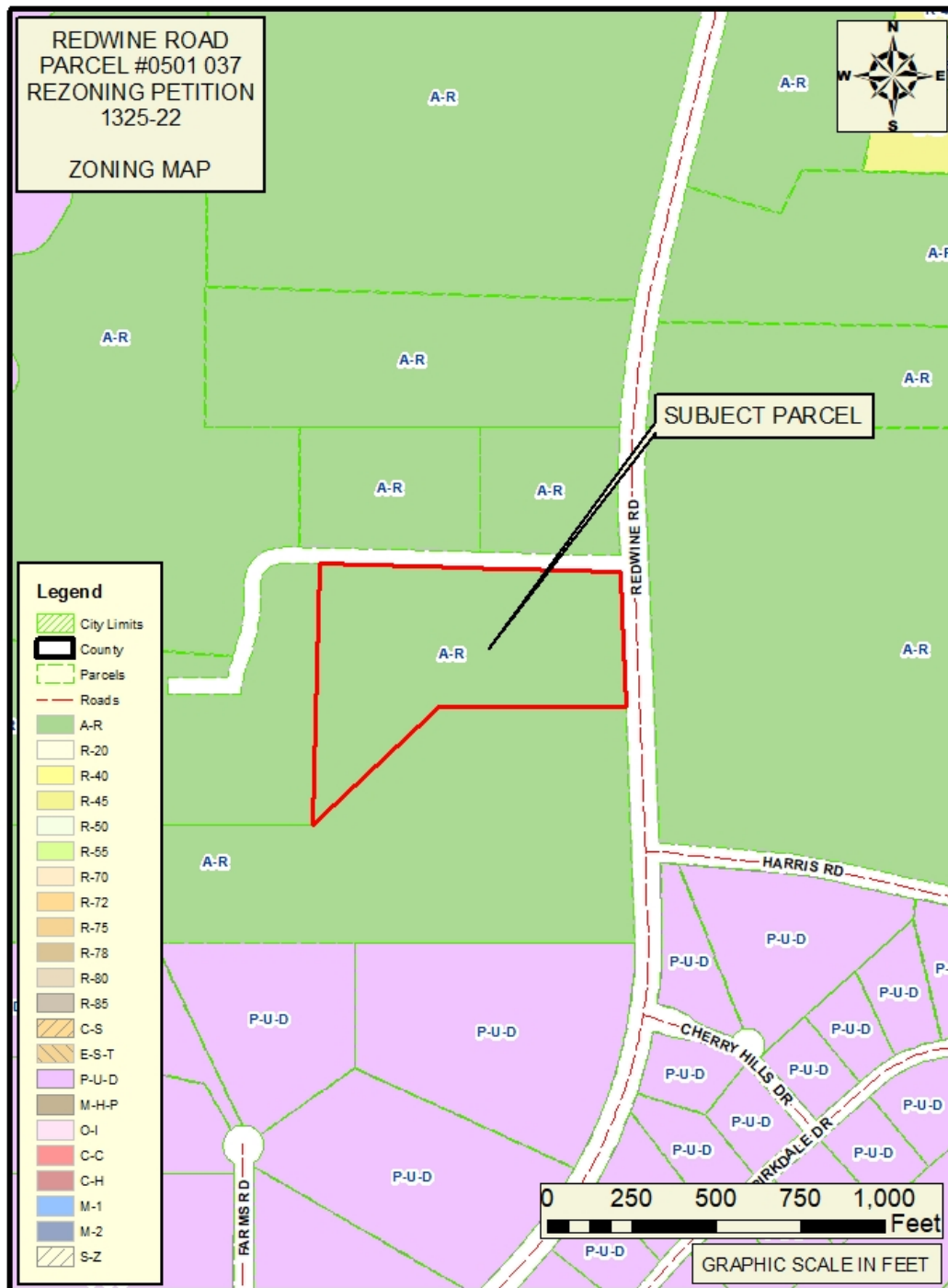
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

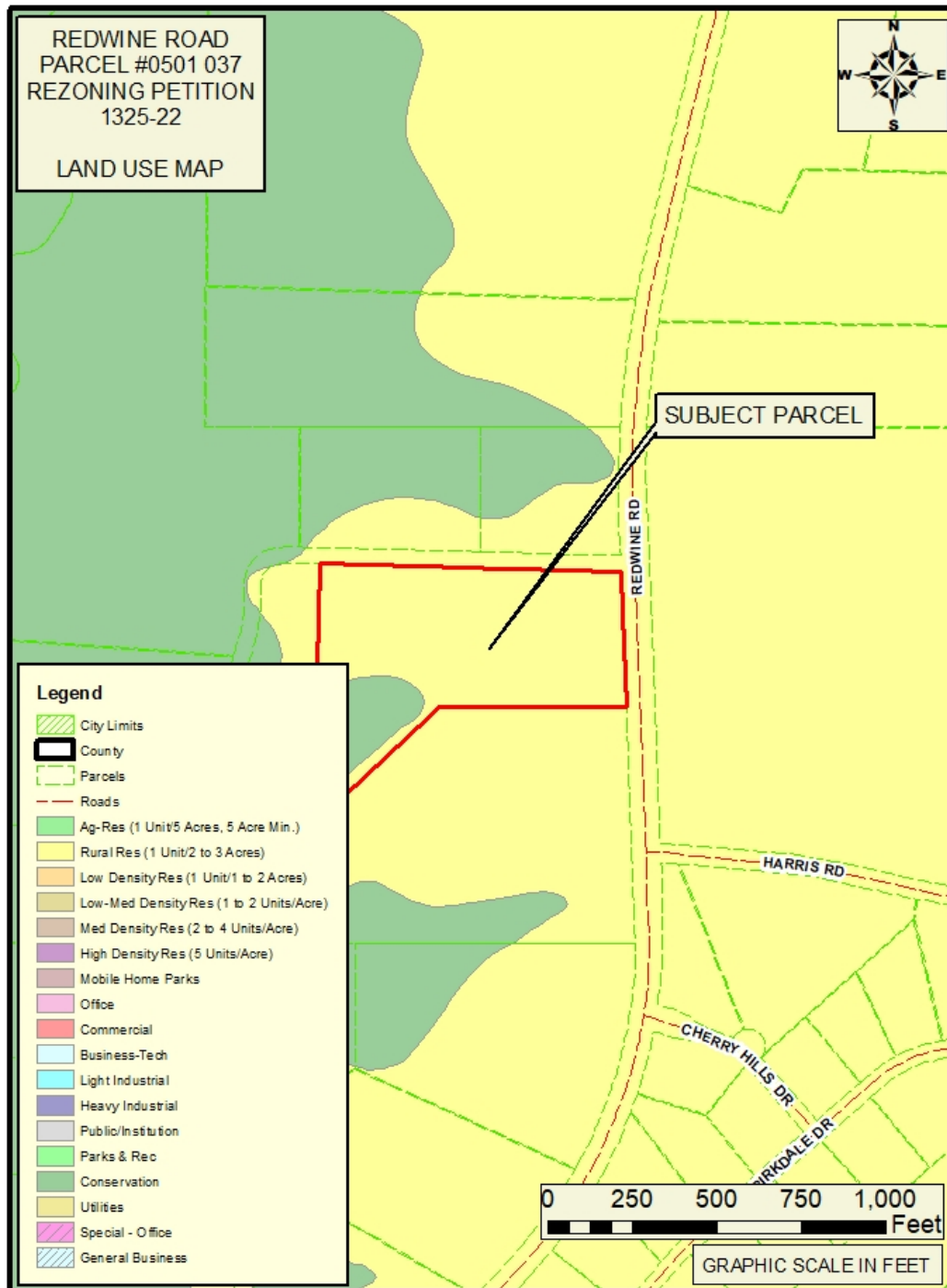
STAFF ANALYSIS

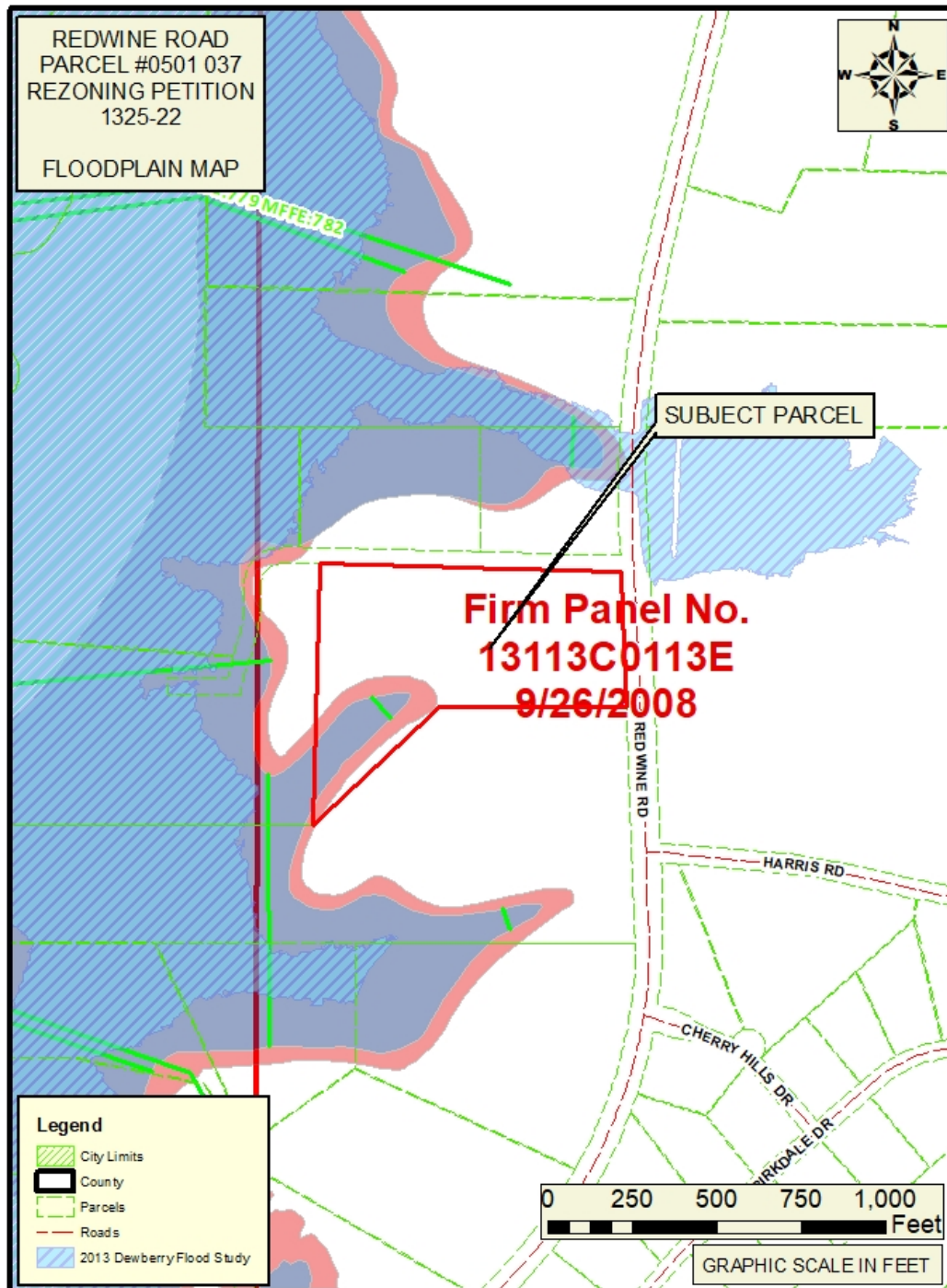
1. The subject property lies within an area designated for Low Density Residential uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various single-family zoning and uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
4. The proposal is consistent in character and use with the surrounding uses as single-family residential on 2-acre or greater tracts. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

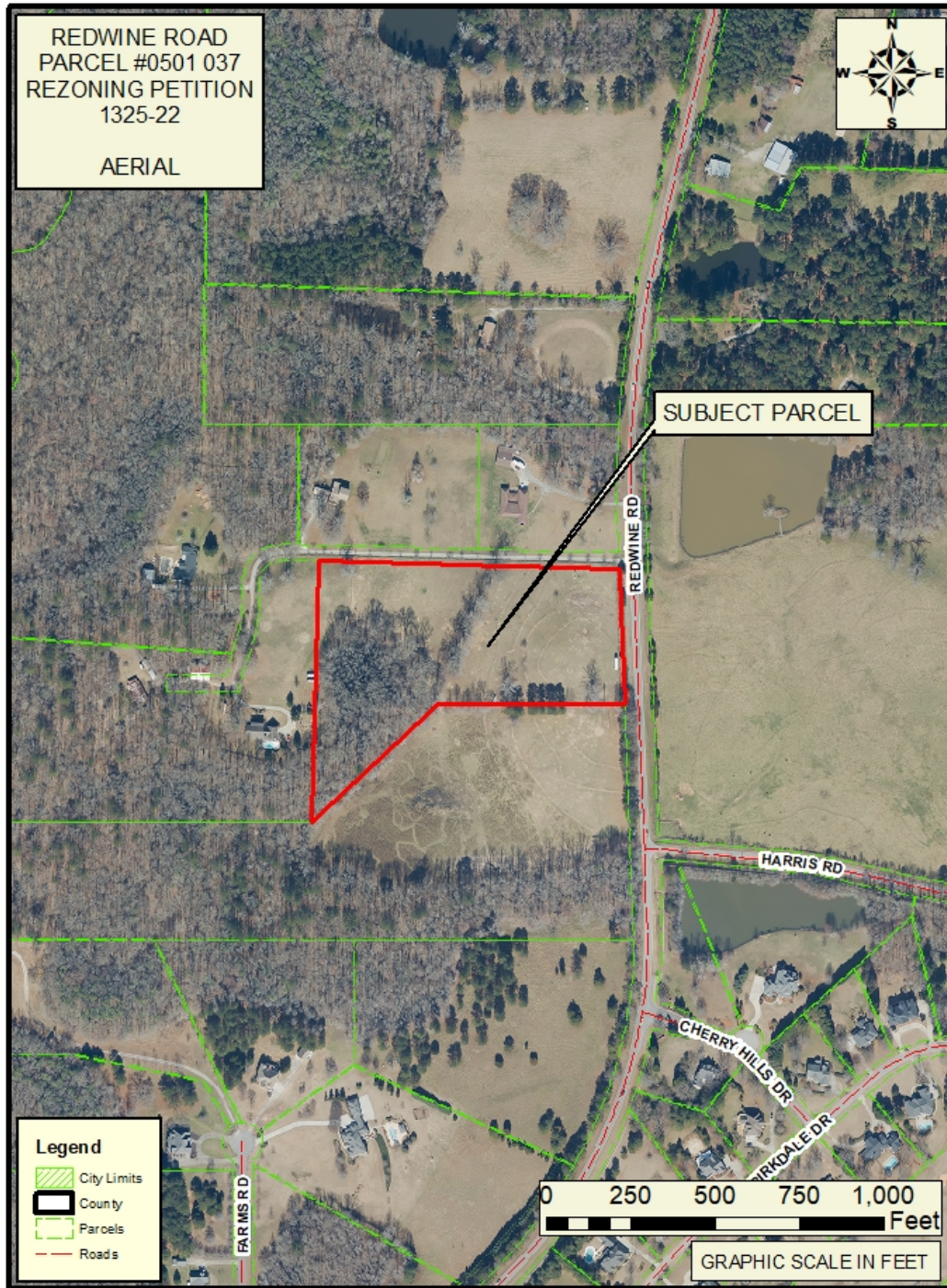














1325-22 Redwine Road



1325-22 Redwine Road

LEGEND
RBC=REBAR FOUND
RSC=REBAR SET
CTP=CRIMP TOP PIPE
LL=LAND LOT
LL=LAND LOT LINE
L=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
DE=DRAINAGE EASEMENT
N/E=NOT FOR POWER
F.W.P.=FLOOD WORK
PERFORMED DATE
OF=OUT OF FLOOD PLAN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
##=HOUSE NUMBER

N/F
DAVID P. KEMMERER
DB 4832 PG 365
ZONED A-R

N/F
DONALD E. DAY
DB 3816 PG 418
ZONED A-R

GENERAL NOTES
OWNER: ERIC K. MAXWELL
315-B PRIME POINT
PEACHTREE CITY, GA 30269
(DEED BOOK 1948, PAGES 552-553)
AGENT: RANDY M. BOYD
P.O. BOX 64
ZEBULON, GA. 30295
SITE AREA = 8.49 ACRES
TAX PARCEL NO. 0501 037
EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL
PROPOSED ZONING: R - 75 - SINGLE FAMILY RESIDENTIAL
LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL -
2 (1 UNIT/2 AC)
MINIMUM LOT SIZE = 2.00 ACRES
SETBACKS: FRONT - 100' ARTERIAL
SIDE - 25'
REAR - 50'
MINIMUM HOUSE SIZE 2500 SQ. FT.
MINIMUM LOT WIDTH AT BUILDING LINE: 125'

EXISTING WATERLINE LOCATED ALONG THE WEST SIDE
OF REDWINE ROAD.
REDWINE ROAD IS CLASSIFIED AS AN ARTERIAL ROAD ON
THE FAYETTE COUNTY THOROUGHFARE PLAN. PURSUANT
TO CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE
CODE OF FAYETTE COUNTY, GA. A MINIMUM
RIGHT-OF-WAY OF 100 FEET IS REQUIRED FOR AN
ARTERIAL ROAD.
POSTED SPEED LIMIT IS 45 MPH IN BOTH DIRECTIONS ON
REDWINE ROAD
THE FINAL DESIGN WILL BE BASED ON A CURRENT LEVEL
III SOILS ANALYSIS, VERIFICATION OF PROPOSED
DRIVEWAY LOCATION SIGHT DISTANCE AND A 2 FOOT
CONTOUR TOPOGRAPHICAL SURVEY.

Job No. 22-045

Drawn By: L.A.T.

Reviewed By: R.M.B.

Issue Date: 08/05/22

F.W.P.D.: N/A

Revisions: _____

Date: _____



CONCEPT PLAN

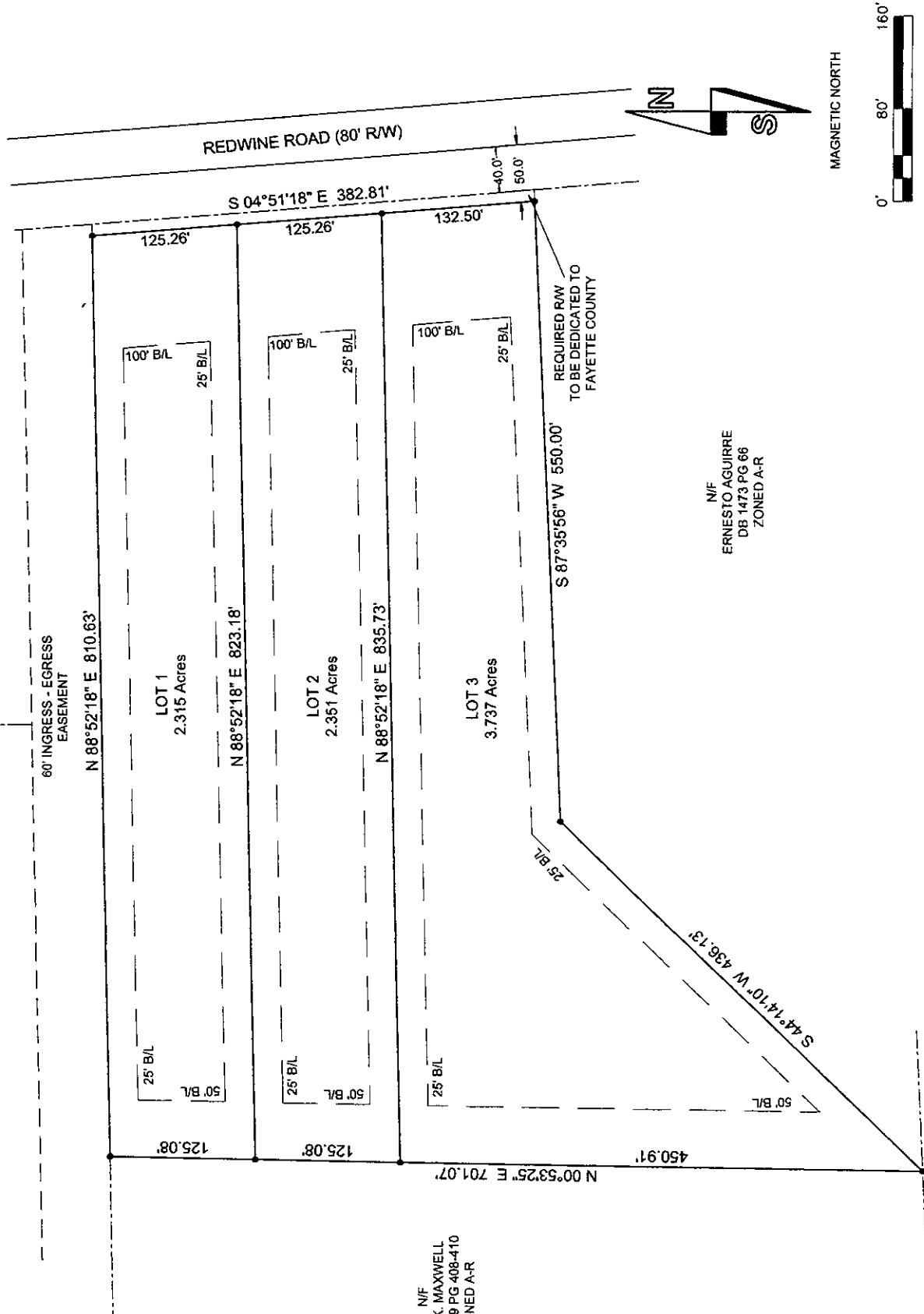
Property Location

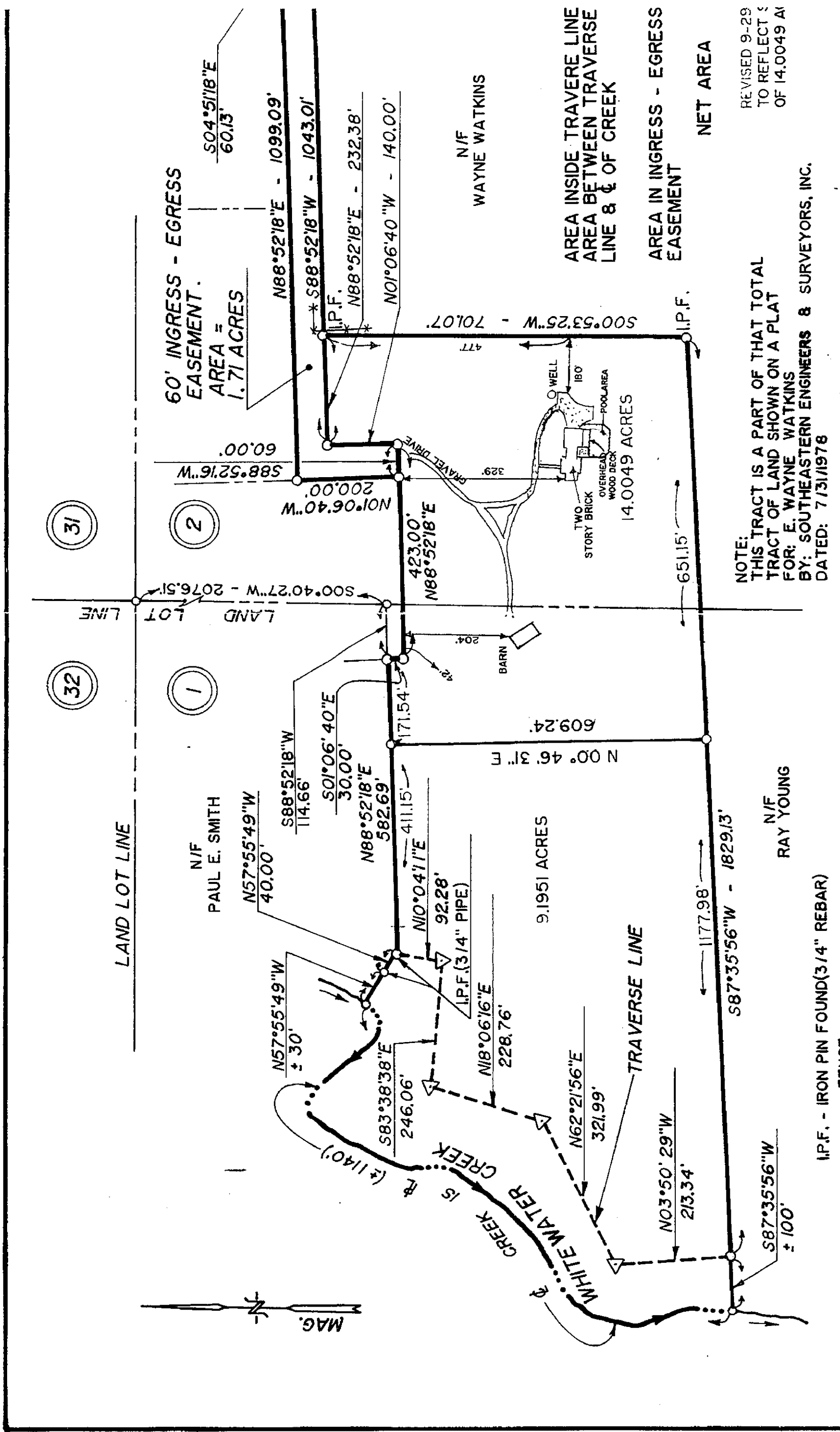
Land Lot 2 Of The 5th Land District
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC

surveyors, planners, development consultants
P.O. BOX 303 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP NUMBER
13113C0113E, DATED SEPTEMBER 28,
2008, THIS PROPERTY DOES NOT LIE
WITHIN A SPECIAL FLOOD HAZARD
AREA.





NOTE:
THIS TRACT IS A PART OF THAT TOTAL
TRACT OF LAND SHOWN ON A PLAT
FOR: E. WAYNE WATKINS
BY: SOUTHEASTERN ENGINEERS & SURVEYORS, INC.
DATED: 7/31/1978

REVISOR 9-29
TO REFLECT
OF 14.0049 AC

PLAT OF SURVEY FOR
GREGORY L. SMITH

LAND LOT	1 & 2
DISTRICT	5th
COUNTY	FAYETTE
REFERENCE	
SCALE	1" = 200'
DATE	8/27/87

IN MY OPINION THIS PLAT IS A CORRECT
LAND PLATTED AND HAS BEEN PREPARED
IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS
OF THE FAYETTE COUNTY BOARD OF SUPERVISORS.

PIEDMONT LAND SURVEYORS, INC.
P. O. BOX 138
FAYETTEVILLE
404 / 460-94

2

FILED & RECORDED
FAYETTE COUNTY, GA.

'02 SEP 13 PM 3 32

SHEILA STUDDARD, CLERK

BOOK 1948 PAGE 552

WARRANTY DEED

Please return to:
B.D. Murphy III, P.C.
P.O. Box 26
Fayetteville, GA 30214-0026

STATE OF GEORGIA

COUNTY OF FAYETTE

This Indenture made this 8th day of September, in the year 2002, between RICHARD G. SCHULTZE and SUZANNE M. SCHULTZE, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and ERIC K. MAXWELL as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

FOR A COMPLETE PROPERTY DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

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

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 9-13-02
DATE 9-13-02
CLERK OF SUPERIOR COURT

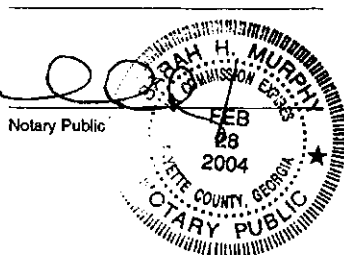
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

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

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

Signed, sealed and delivered in the presence of:


Witness



 (Seal)
RICHARD G. SCHULTZE

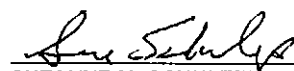
 (Seal)
SUZANNE M. SCHULTZE, by RICHARD G. SCHULTZE,
her duly authorized Attorney-in-Fact,
Deed Book 1948, page 550 (Seal)

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 2 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To arrive at the TRUE POINT OF BEGINNING proceed from the original, northwesterly corner of Land Lot 2 and running thence south 00 degrees 40 minutes 27 seconds west a distance of 1966.46 feet to a point; running thence north 88 degrees 52 minutes 18 seconds east a distance of 537.29 feet to a point and the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING thus determined running thence north 00 degrees 53 minutes 25 seconds east a distance of 60.0 feet to a point, which point is located on the northerly boundary of that Easement which is described in a loan deed from Gregory L. Smith to Wieland Financial Services, Inc., said loan being recorded in Deed Book 1186, page 417, Fayette County Records; running thence north 88 degrees 52 minutes 18 seconds east a distance of 811 feet, more or less, to a point, which point is located on the southwesterly right-of-way of Redwine road (80 foot right-of-way); running thence south 04 degrees 15 minutes 18 seconds east, and following along the southwesterly right-of-way of Redwine Road, a distance of 442.81 feet, more or less, to a point, which point is located at the southeasterly corner of that property described in a Warranty Deed from Donnie Dollar and Richard Penland to Michael P. Bell and Sheila L. Bell, which deed is recorded in Deed Book 1219, page 596 Fayette County Records; running thence south 87 degrees 35 minutes 36 seconds west a distance of 550.00 feet to a point; running thence south 44 degrees 14 minutes 10 seconds west a distance of 436.13 feet to a point; running thence north 00 degrees 53 minutes 25 seconds east a distance of 701.07 feet to a point and the TRUE POINT OF BEGINNING.

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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 2 of the 5th District of Fayette County, Georgia and being more particularly described as follows:

To arrive at the TRUE POINT OF BEGINNING proceed from the original northwesterly corner of Land Lot 2 and running thence South 00 degrees 40 minutes 27 seconds West a distance of 1966.46 feet to a point; running thence North 88 degrees 52 minutes 18 seconds East a distance of 537.29 feet to a point and the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING thus determined running thence North 88 degrees 52 minutes 18 seconds East a distance of 810.63 feet to a point, which point is located on the Westerly Right-of-Way of Redwine Road (80' R/W); running thence South 04 degrees 51 minutes 18 seconds East, and following along said Right-of-Way, a distance of 382.81 feet to a point; running thence South 87 degrees 35 minutes 56 seconds West a distance of 550.00 feet to a point; running thence South 44 degrees 14 minutes 10 seconds West a distance of 436.13 feet to a point; running thence North 00 degrees 53 minutes 25 seconds East a distance of 701.07 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 8.49 acres.

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

PROPERTY OWNERS: ERIC K. MAXWELL
MAILING ADDRESS: 315 PRIME POINT, PEACHTREE CITY, GA. 30269
PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com
AGENT FOR OWNERS: RANDY M. BOYD
MAILING ADDRESS: P.O. Box 64, ZEBULON, GA. 30295
PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com
PROPERTY LOCATION: LAND LOT 2 LAND DISTRICT 5th PARCEL 0501137
LAND LOT _____ LAND DISTRICT _____ PARCEL _____
TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 8.49
EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-75
ZONING OF SURROUNDING PROPERTIES: NORTH, SOUTH & WEST (AR)
EAST (AR & R75)
PRESENT USE OF SUBJECT PROPERTY: VACANT
PROPOSED USE OF SUBJECT PROPERTY: 3 RESIDENTIAL LOTS
LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL-2 (1 UNIT/2 ACRES)
NAME AND TYPE OF ACCESS ROAD: REDWINE ROAD
LOCATION OF NEAREST WATER LINE: ALONG THE WEST SIDE OF REDWINE RD.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1325-22

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

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

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

DATE OF PLANNING COMMISSION HEARING: OCT. 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT. 27, 2022

Received from LAW OFFICE OF ERIC K. MAXWELL, PC a check in the amount of \$ 370.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: AUG 31, 2022 Receipt Number: 015790

TOTAL \$370.00 CHECK # 4658

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

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

ERIC K. MAXWELL

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0501 037

(I am) ~~(we are)~~ the sole owner~~(s)~~ of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 2 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 8.49 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Eric K. Maxwell
Signature of Property Owner 1

315-B Prime Point
Address

Peachtree City, GA 30269
Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Randy M. Boyd
Signature of Authorized Agent

RANDY M. BOYD P.O. Box 64
Address
ZEBULON, GA 30295



Maria Lawrence
Signature of Notary Public

8-25-2022
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Maria Lawrence
Signature of Notary Public

8-25-2022
Date

NAME: ERIC K. MAXWELL PETITION NUMBER: 1325-22

ADDRESS: _____

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

ERIC K. MAXWELL affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 370⁰⁰ to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

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

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6th day of OCTOBER, 20 22 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th day of OCTOBER, 20 22 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25th DAY OF August, 2022

Maria Lawrence
NOTARY PUBLIC

Eric Maxwell
APPLICANT'S SIGNATURE



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/~~We~~, ERIC K. MAXWELL, said property owner~~(s)~~ of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 50 feet of right-of-way along REDWINE ROAD as measured from the centerline of the road.

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

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

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

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

Sworn to and subscribed before me this 25th day of August, 2022.

SIGNATURE OF PROPERTY OWNER

Maria Lawrence
NOTARY PUBLIC



SIGNATURE OF PROPERTY OWNER

Eric K. Maxwell

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 25th day of AUGUST, 2022.



APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

Please check one:

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

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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