

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214



AGENDA

February 26, 2026
5:00 p.m.

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

OFFICIAL SESSION:

Call to Order
Invocation and Pledge of Allegiance by Commissioner Charles Rousseau
Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Consideration of Petition 1368-25, Parcel 0722 023; Stuart Reagan and Laura K. Reagan, owners, request to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot 75 of the 7th District and fronts Sun Road. This item was tabled at the January 22, 2026 Board of Commissioners meeting. (pages 4-42)
2. Consideration of Petition 1371-25, Parcel 1306 023, CK 138 LLC, owner, requests to rezone 15.733 acres from R-40 (Single-Family Residential) to C-H (Highway Commercial); property located in Land Lot(s) 198 of the 13th District and fronts State Route 138. This item was tabled at the January 22, 2026 Board of Commissioners meeting. (pages 43-99)
3. Consideration of Petition 1372-25-A, 1246 Hwy. 314 Fayette Co LLC, Owner; Randy Boyd, Agent, requests to rezone 45.412 acres from R-40 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot(s) 219 of the 13th District and fronts Highway 314 North. This item was tabled at the January 22, 2026 Board of Commissioners meeting. (page 100)
4. Consideration of Petition 1372-25-B, 1246 Hwy. 314 Fayette Co LLC, Owner; Randy Boyd, Agent, requests to rezone 4.738 acres from R-40 (Single-Family Res) to A-R (Agricultural-Residential); property located in Land Lot(s) 219 of the 13th District and fronts Highway 314 North. This item was tabled at the January 22, 2026 Board of Commissioners meeting. (pages 101-151)
5. Consideration of Petition 1373-25, Parcel 0504 049; Kyle D. Weishaar and Laura S. Weishaar, owners, request to rezone 7.745 acres from A-R (Agricultural-Residential) to R-78 (Single-Family Residential); property located in Land

Lot(s) 26 of the 5th District and fronts Harp Road. This item was tabled at the January 22, 2026 Board of Commissioners meeting. (pages 152-192)

6. Consideration of Petition 1369-25-A, Parcel 0433 049; McCotter Family Trust, owner, requests to rezone 3.00 acres from R-45 (Single-Family Residential) to A-R (Agricultural-Residential). The property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. (page 193)
7. Consideration of Petition 1369-25-B, Parcel 0433 051; McCotter Family Trust, owner, requests to rezone 3.00 acres from R-45 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. (pages 194-230)
8. Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner, applicant request approval of a Revised Development Plan, to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision; property located in Land Lots 34 of the 5th District and fronts Brookshire Drive. (pages 231-268)
9. Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner, applicant request approval of a Revised Development Plan, to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision; property located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run. (pages 269-310)
10. Public Hearing to review and receive comments for the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including the draft CIE Update to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.), to be sent to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA). (pages 311-321)

PUBLIC COMMENT:

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

CONSENT AGENDA:

11. Approval of Resolution 2026-09 to Transmit the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.) to Atlanta Regional Commission for review by Department of Community Affairs. (pages 322-323)
12. Approval of the Fourth Amendment to Reciprocal Lease Agreement between American Tower, L.P. and Fayette County, Georgia for the tower site at 431 Porter Road, Fayetteville, Georgia 30215-3058 for equipment modifications. (pages 324-330)
13. Approval of Mid-Year Budget Adjustments to the fiscal year 2026 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects. (pages 331-335)
14. Acknowledgment of Sheriff Barry H. Babb's decision to liquidate county property at auction. (pages 336-338)
15. Approval of the February 8, 2026, Board of Commissioners Meeting Minutes. (pages 339-345)

OLDBUSINESS

NEW BUSINESS:

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on YouTube at <https://www.youtube.com/@FayetteCountyBOC>.

16. Request to approve the Georgia Department of Transportation's Contract for Acquisition of Right-of-Way for the SR 85/ SR279/Corinth Road project (GDOT PI 0017813) and Board acceptance of a grant to reimburse local right-of-way acquisition costs up to \$4,040,000. (pages 346-370)
17. Request to approve Contract #1981-Q, Task Order 8 for a Not to Exceed (NTE) amount of \$364,230 to Practical Design Partners (PDP) for Right of Way (ROW) acquisition services and related activities for the SR 85/ SR 279/ Corinth Road Project (GDOT PI 0017813). (pages 371-379)
18. Request to approve an Intergovernmental Agreement (IGA) with the Town of Brooks to cover the material costs to repair a 72-inch Corrugated Metal Pipe and Fayette County to cover the labor and equipment costs. (pages 380-388)

ADMINISTRATOR'S REPORTS:

- A. Contract #2378-S: Water System Engineer of Record Task Order #26-01: FY26 On-Call Support Services; Change Order #1: Technical Resources (pages 389-390)
- B. Contract #26036-A: Brooks Park Fencing (pages 391-392)
- C. Contract #26043-A: Crosstown WTP Raw #1 Pump/Motor Repairs: Change Order #2: Additional Repairs (page 393)

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1368-25, Parcel 0722 023; Stuart Reagan and Laura K. Reagan, owners, request to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot 75 of the 7th District and fronts on Sun Road. This item was tabled at the January 22, 2026 Borad of Commissioners meeting.

Background/History/Details:

The lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends APPROVAL of the request to rezone to A-R.

On December 4, 2025, the Planning Commission voted unanimously to recommend APPROVAL of the request to rezone from R-70 to A-R. Jim Oliver made a motion to recommend approval of Petition 1368-25. Danny England seconded the motion. The motion carried 5-0.

This request was tabled at the January 22, 2026, meeting due to a lack of a full board.

What action are you seeking from the Board of Commissioners?

Consideration of Petition 1368-25, Parcel 0722 023; Stuart Reagan and Laura K. Reagan, owners, request to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot 75 of the 7th District and fronts on Sun Road.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION No. 1368-25

REQUESTED ACTION: Rezone 8.053 acres from R-70 to A-R

PARCEL NUMBER: 0722 023

EXISTING ZONING: R-70

PROPOSED ZONING: A-R

EXISTING USE: Single-Family Residential

PROPOSED USE: Agriculture- Residential

LOCATION: 183 Sun Road

LOT SIZE: 8.053 Acres

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 75

OWNER(S): Stuart Reagan and Laura K. Reagan

APPLICANT(S): Stuart Reagan and Laura K. Reagan

AGENT(S): N/A

PLANNING COMMISSION PUBLIC HEARING: *December 4, 2025, at 7:00 PM (Tabled from the Planning Commission Hearing on November 6, 2025.)*

BOARD OF COMMISSIONERS PUBLIC HEARING: *February 26, 2026, at 5:00 PM (Tabled from the January 22, 2026, BOC meeting due to a lack of a full board.)*

REQUEST

The applicant is requesting to rezone the property from R-70 to A-R.

STAFF ASSESSMENT & RECOMMENDATION

The lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends **APPROVAL** of the request to rezone to A-R.

PLANNING COMMISSION RECOMMENDATION: On December 4, 2025, the Planning Commission voted unanimously to recommend **APPROVAL** of the request to rezone from R-70 to A-R. Jim Oliver made a motion to recommend approval of Petition 1368-25. Danny England seconded the motion. The motion carried 5-0.

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The subject property is currently zoned R-70. It was rezoned from A-R to R-70 as part of a blanket rezoning initiated by the County in 1973. The property is currently developed with a single-family residence.

B. ADJACENT ZONING AND FUTURE LAND USE

The parcels surrounding the subject property are zoned R-70, having been part of the aforementioned blanket rezoning in 1973. Many other parcels in the general area are zoned A-R. The Future Land Use Map for this property and all the surrounding properties is Rural Residential-2, 1 Unit/2 Acres. See the attached Zoning Map and Future Land Use Map.

Direction	Acreage	Zoning	Use	Future Land Use Plan
North	25+	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
East	25+	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
South (across Sun Road)	25+	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
West	10	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)

C. DEPARTMENTAL COMMENTS

- Water System** – No objections.
- Public Works/Environmental Management** – No objections.
- Fire** – No comments.
- Environmental Health** - This office has no objection to the proposed rezoning.
- GDOT** – Not applicable, not on State Route.

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request does conform to the Fayette County Comprehensive Plan.
2. The area around the subject property is an area that already has various residential and agricultural uses. Staff does not anticipate that this rezoning will have an adverse impact on the adjacent parcels.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and rural residential.

ZONING DISTRICT STANDARDS

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

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

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

- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter);
- (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
- (4) Plant nurseries and greenhouses (no sales of related garden supplies);
- (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
- (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.

(c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:

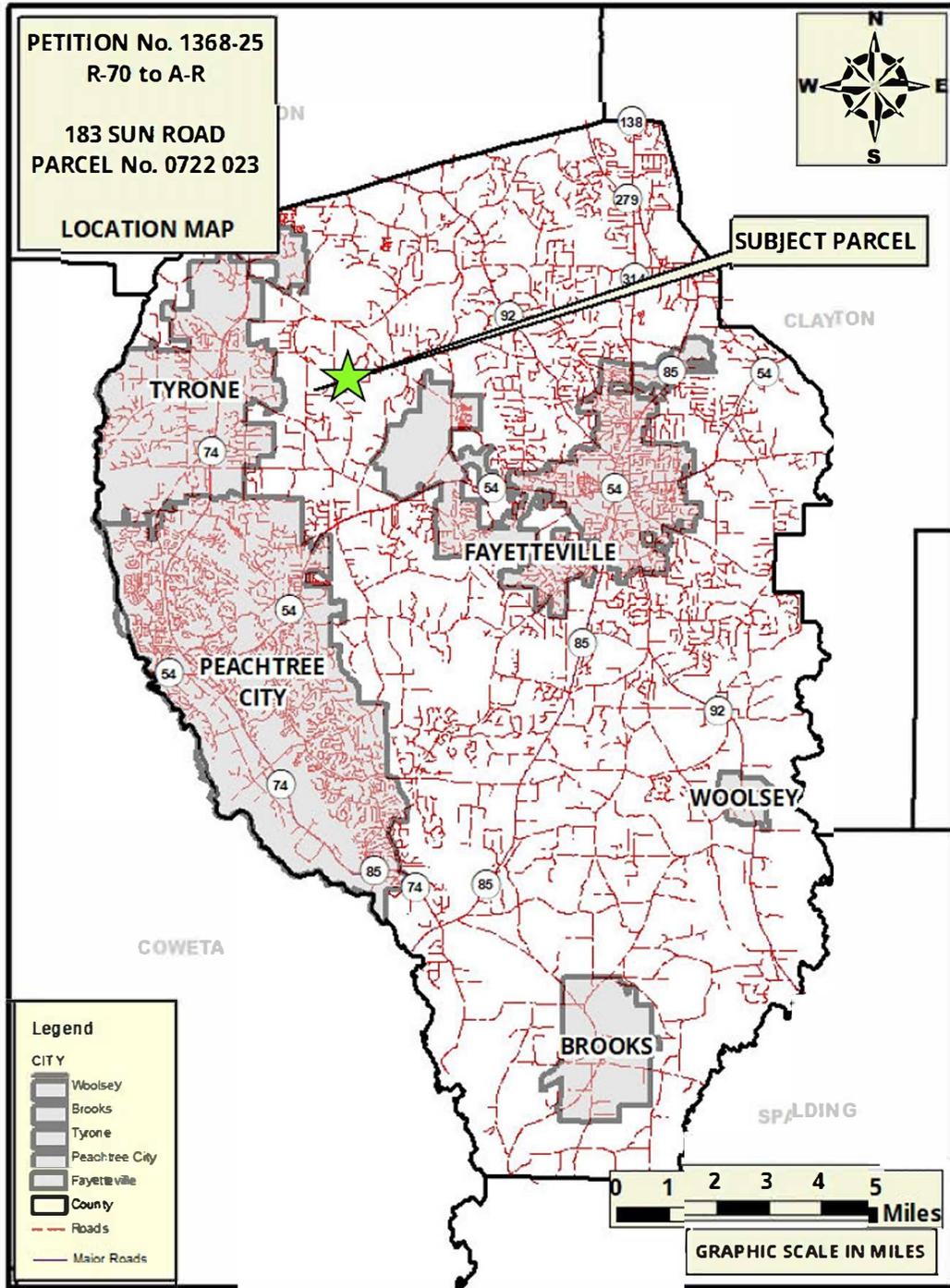
- (1) Aircraft landing area;
- (2) Animal hospital, kennel or veterinary clinic;
- (3) A-R bed and breakfast inn;
- (4) A-R wedding/event facility;
- (5) Cemetery;
- (6) Church and/or other place of worship;
- (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
- (8) Commercial driving range and related accessories;
- (9) Child care facility;
- (10) Deer processing facility.
- (11) Developed residential recreational/amenity areas;
- (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
- (13) Golf course (minimum 18-hole regulation) and related accessories;
- (14) Home occupation;
- (15) Horse show, rodeo, carnival, and/or community fair;
- (16) Hospital;
- (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
- (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

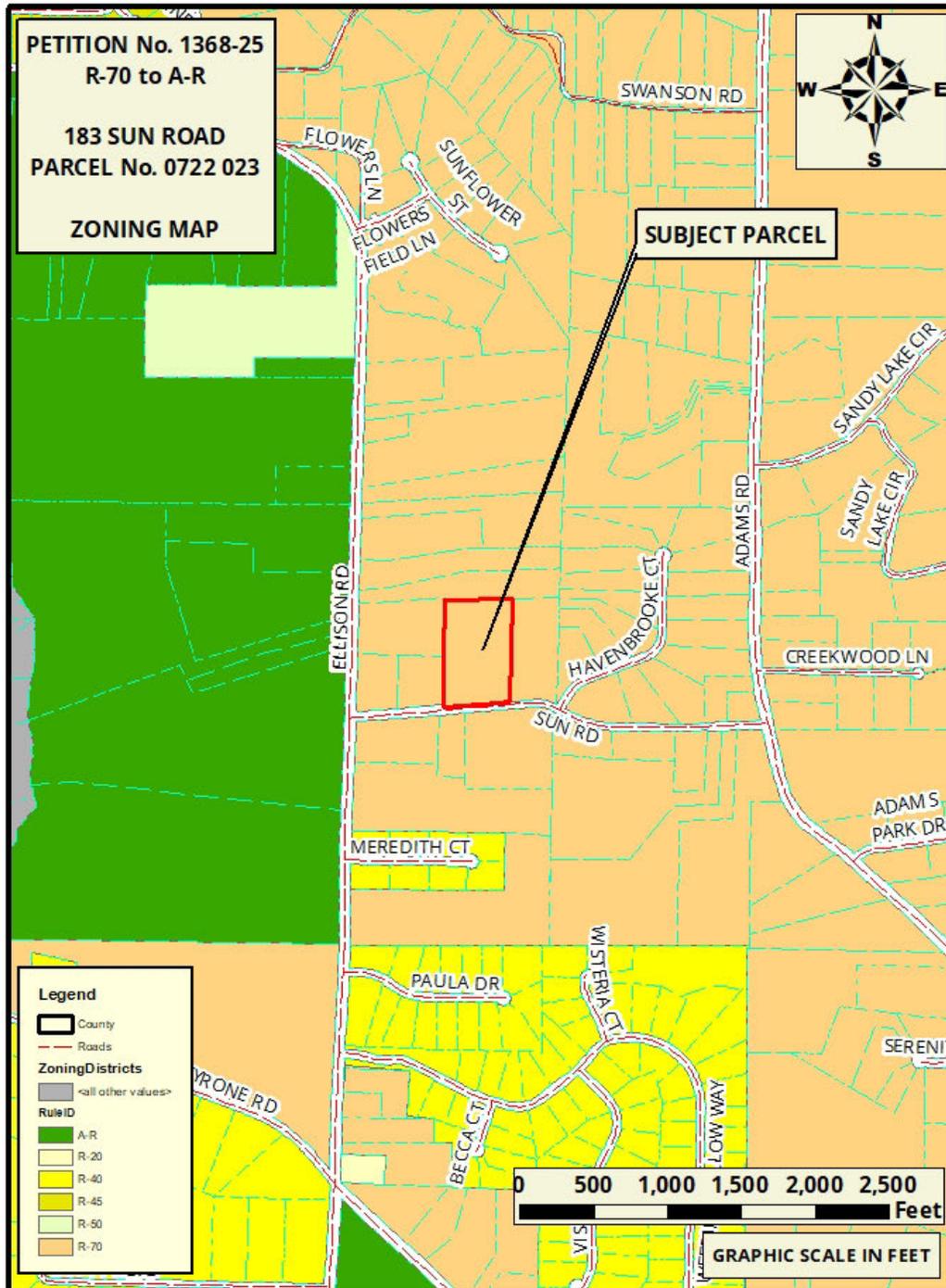
- (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
- (21) Religious tent meeting; and
- (22) Shooting range, outdoor.

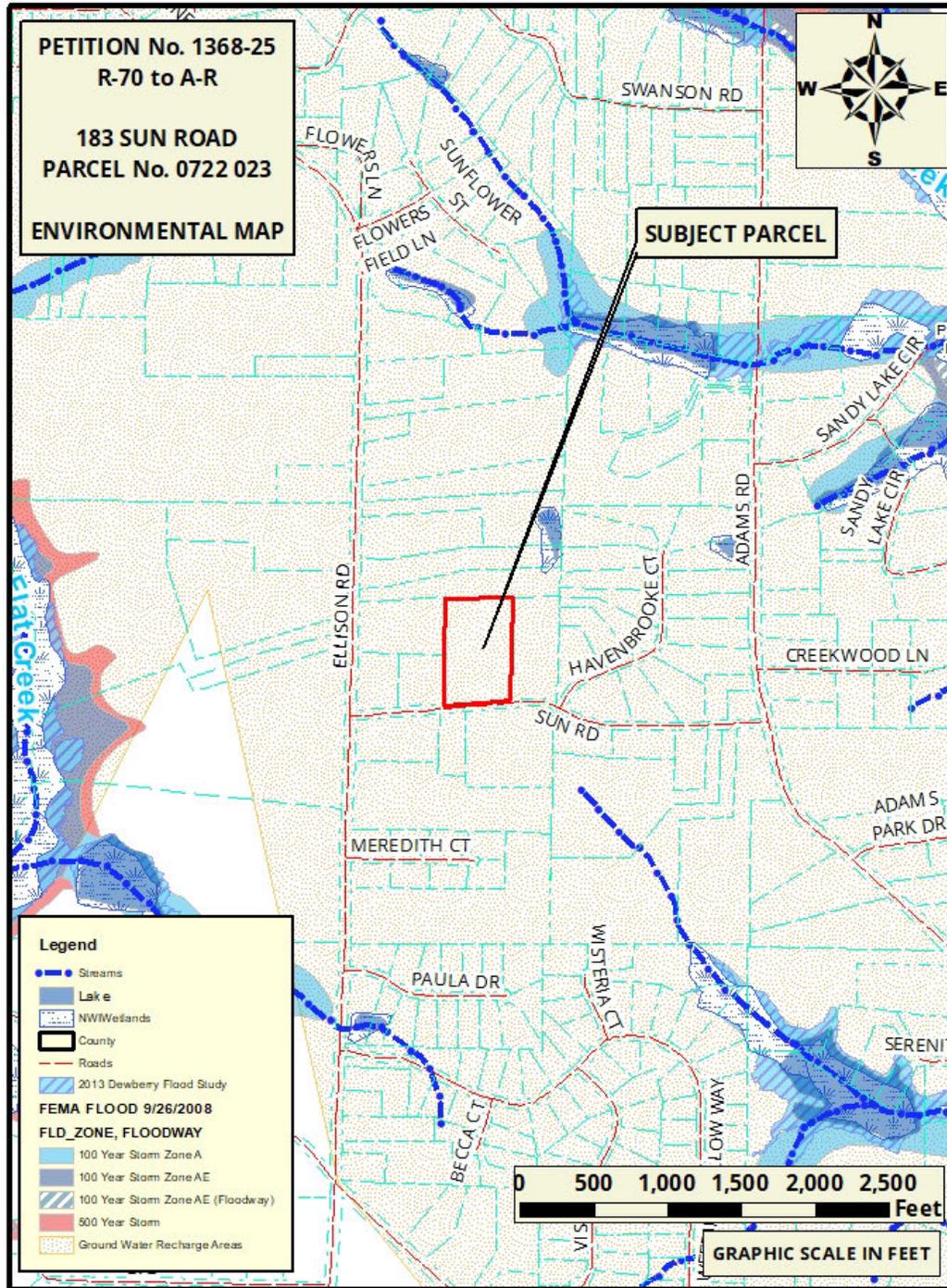
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

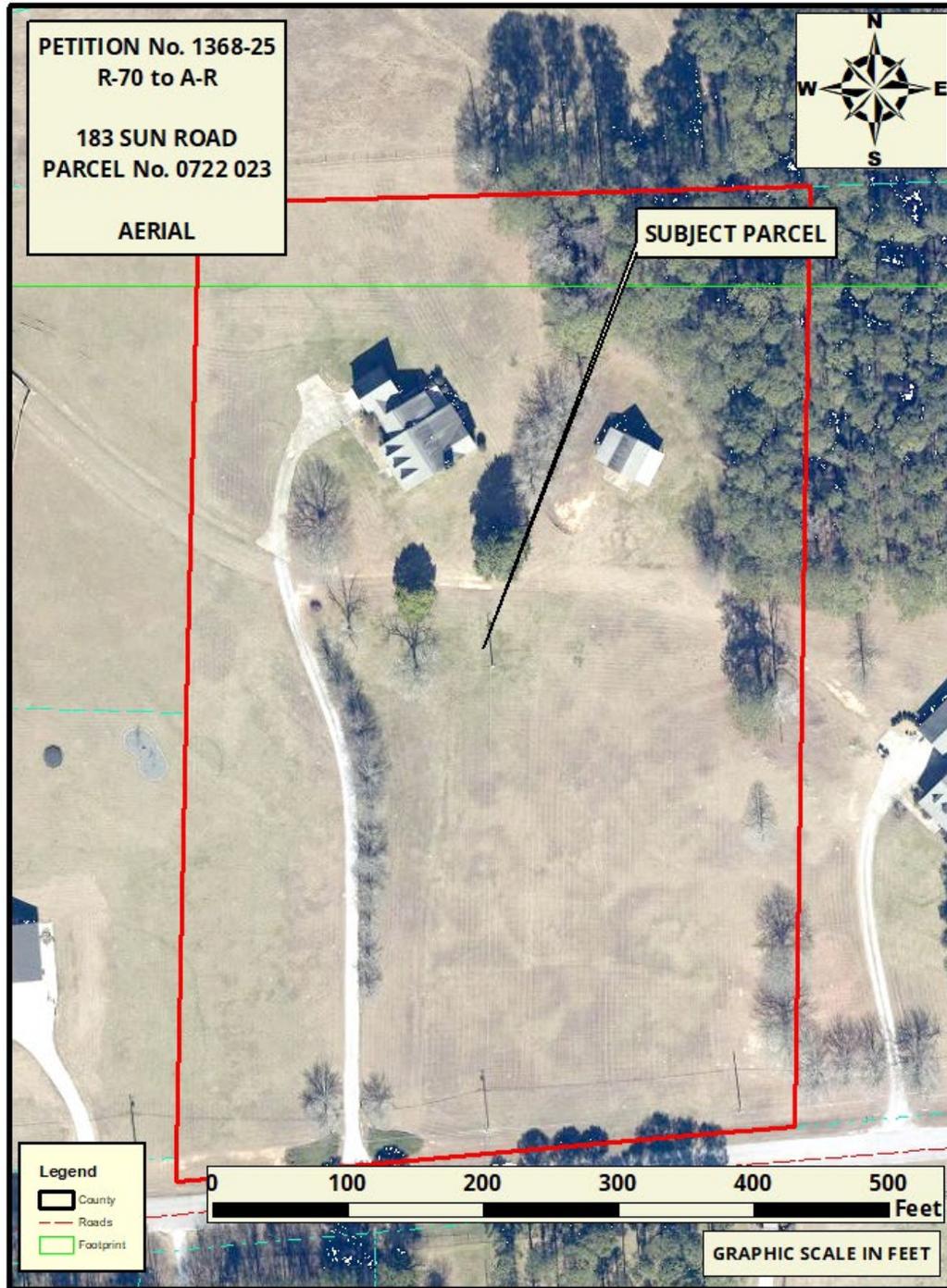
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.
- (7) Building height.
 - a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.

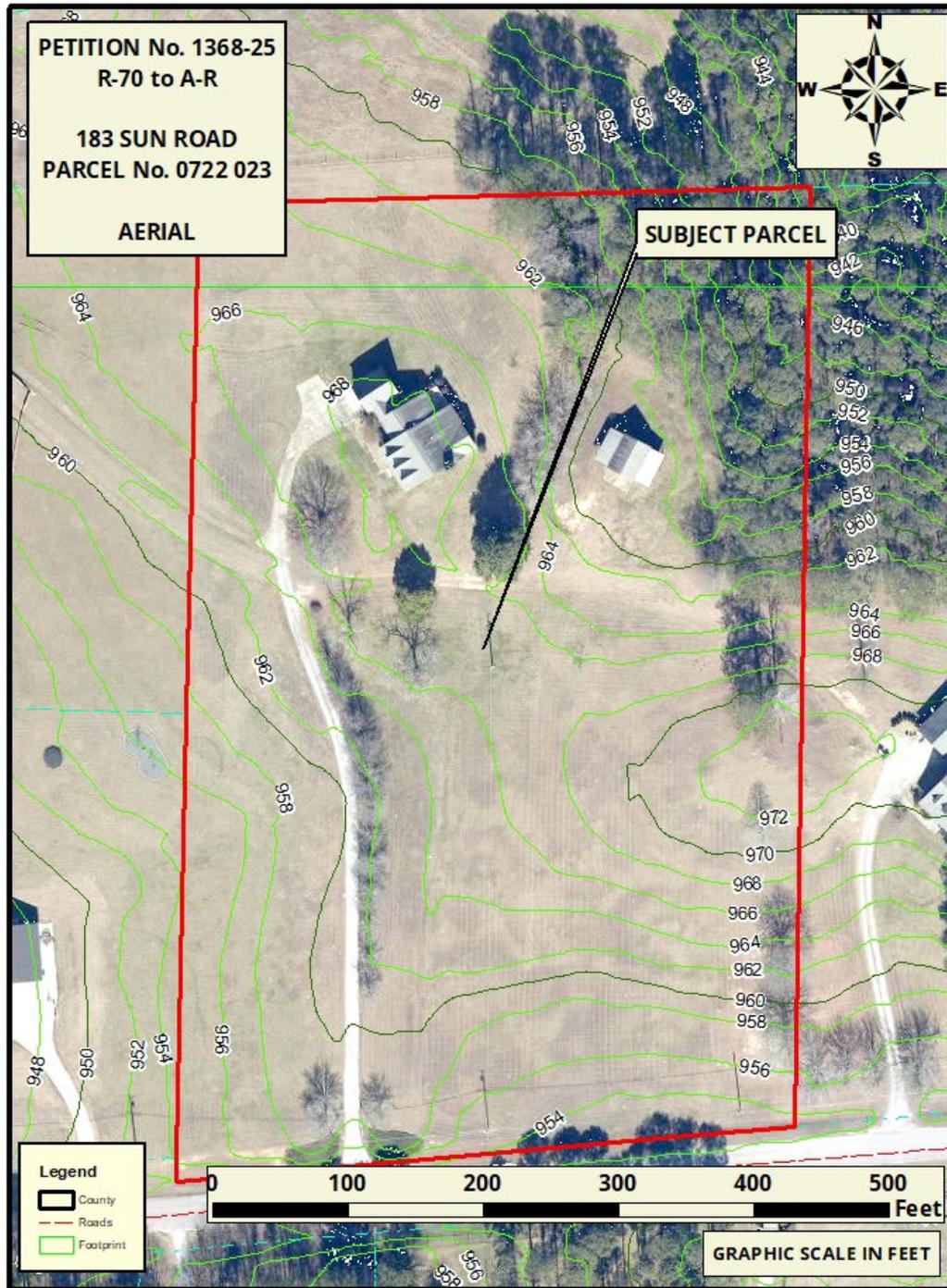
(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.











BOARD MEMBERS

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

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 04, 2025
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to change items number 7 and 8 (Petitions No. 1372-25-A and B) to number 1 and 2. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. *Consideration of Petition 1372-25-A, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.*

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. ***John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.***
3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. ***Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.***
4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road. ***Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0***
5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.***
6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.***
7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road. ***John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.***
8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138. ***Danny England made the motion to recommend APPROVAL of***

Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road. ***Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.***

10. Consideration of the Fayette County Planning Commission 2026 Calendar. ***John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.***

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

Meeting Minutes 12/04/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on December 4th, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to renumber items 7 and 8 (Petitions No. 1372-25-A and B) to 1 and 2, respectively. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0.*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. ***Consideration of Petition 1372-25-A***, 1246 Highway 314, Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Ms. Debbie Bell stated that items 1 and 2 (1372-25-A and 1372-25-B) are adjacent parcels for the same request, but they will require individual hearings. She read the description for both parcels and also mentioned the smaller lot is a legal nonconforming lot and, as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Low Density Residential is designated for this area, so the request for A-R zoning, which is a lower density district, is appropriate. Parcel 1306-117 (4.738 acres) does not meet the minimum lot size for the A-R zoning. Therefore, a condition is recommended to ensure it is combined with the larger parcel, which will resolve this issue. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends conditional approval of the request for a zoning of A-R, Agricultural-Residential: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first."

Chairman John Kruzan asked if the petitioner was present.

Mr. Randy Boyd, representative. – Explained, Mr. Hill asked him to represent him on this petition. He knew the petition was denied back in August and read a letter from Mr. Hill where he has previously sent it in response to one of the neighbors asking about the rezoning where he stated he was the owner of the property in question and he's a member of the North Fayette Homeowners Association, and wanted to rezone it to support a lower impact in the community such as licensed private fishing, small event wedding, and the use of the house as a bed and breakfast, and added will not exceed the allow parking spaces to manage traffic flow and preserve the neighborhoods area. The house was built in 1958, and they decided to sell it after the state required significant updates to the Lake Drainage System, a cost they couldn't afford, and they have already taken steps toward it.

Chairman Kruzan asked if anyone was in support of the petitions, with no response, then he asked if anyone was in opposition to come to the podium and speak.

Mr. Danny England asked staff what differences from the last time the board heard the petition back in August.

Ms. Bell responded that nothing has changed since the petitioner withdrew from the Board of Commissioners Meeting after the previous Planning Commission Meeting and re-applied.

Mr. England asked in the last meeting, staff recommendation was for denial, and now it's conditional approval. Is that correct?

Ms. Bell responded that the staff recommendation was for conditional approval at that time; nothing has changed since the last meeting.

Mr. England wanted to make sure he was not missing something; no other changes were made.

Ms. Gail Raby requested to denied both petitions, the surrounding neighborhoods had expressed their concerns back in August and opposed having a business at that address, believing it would increase the traffic in the area, and that becoming A-R zoning would bring a variety of businesses bringing a lot of noise something Mr. Xavier doesn't understands because he doesn't live in the community or the county. She stated that the properties in question have three access points (two from Highway 314 and one in LaFayette Estates), compromise someone getting hit while walking. Ms. Gail expressed her concerns about Mr. Hill selling parts of the property to other businesses with other uses and expressed what's happening right now with the big lights at the front of the property and mobile parties that, according to her, are causing a lot of discomfort and safety concerns. She asked the board to deny both petitions.

Ms. Marcelle English stated that she and her mother are opposed to this rezoning and expressed that neither Mr. Hill nor her mother resides within the property and stated that when he rents it to third parties, and potential uses under the A-R zoning where he has no control over security, trash, noise, or traffic, in reality, to run a business at that property.

Ms. Alice Jones mentioned she has remorse about the Rick Ross property, also A-R zoning and the impact within the community. Spoke about the traffic increase, getting in and out of the subdivisions, and being one of the founders of the North Fayette Community Association, where she thinks Mr. Hill has been in an appeal meeting for this proposal. Ms. Jones asked the board to deny both petitions.

Mr. Walter Metzger stated he has no problem developing the property for residential use. He resides across the street from Mr. Hill's property and mentioned he has several events, loud music that he can hear inside his house. He stated that if rezoned will come with different uses and you will still have the noise and more traffic that will bring the house's value down.

Ms. Tonya Conley questioned why we are still considering these petitions, explaining that she resides to the left of the properties and she mentioned that the noise is being heard and said someone from the previous meeting, from LaFayette, speaking about someone who put out signs about refurbishing the lake and the runoff that was to be expected in his subdivision, and to create an additional road.

Mr. William Walker spoke about his concerns with data center developments in the area, and he doesn't know if this property will become one.

Mr. Randy Boyd spoke in rebuttal and stated that the petitioner completely withdrawn the

previous request. He mentioned noise limits and under the current zoning (R-40), certain conditional uses can be developed, like a church, private school, etc., and will have an impact on traffic, likewise. He stated he had a very short time to research the property, and regarding the lake he stated it will have to be done by being categorized as a category one lake because if it fails, it will be a loss of life. Mr. Boyd called the board for approval for a less intense use.

Since there are two separate petitions (1372-25-A and 1372-25-B) for two different parcels that are adjacent to each other, the Board will need to hear two separate hearings for each request. The same opposition comments were stated by the residents whose names had previously been spoken.

Mr. Jim Oliver asked Mr. Randy Boyd if they had any problems with the conditions posted on the recommendation for each petition.

Mr. Boyd responded No.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Chairman Kruzan asked the board if they had any questions or comments, and if not, to proceed with a motion for petition 1372-25-B.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0

3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing.

Ms. Bell explained that under public hearings, the state changed the advertising requirements for variance two years ago, where the ads had to be run 30-45 days before a variance could be heard, and this new change from 15 but not more than 45 calendar days will make it easier to fit those advertisements into the agendas.

Mr. John Culbreth, Sr., asked staff if the state changed its rule.

Ms. Bell responded to certain things that zoning has to meet the state zoning procedure laws and the advertisements for rezonings, if one of those falls under different sections under O.C.G.A.'s and this will be brought into alignment with a recent amendment to the state code.

Chairman Kruzan asked if anyone wanted to speak in support or opposition to the

request, but with no response, he brought it back to the board for questions or a motion.

Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.

4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road.

Ms. Bell stated the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends approval of the request to rezone to A-R.

Ms. Laura Reagan stated that previously, they had requested a variance to build a running shelter on each of their fenced pastures and already had two horses. The main request for this new variance is for her to have more chickens.

Ms. Bell explained that the reading of the ordinance in the A-R zoning allows you to have horses, but you have to have ten acres to have a horse shelter.

Chairman Kruzan asked if anyone was in support or opposition of the request. No one responded, brought the item back to the board for questions, or made a motion.

Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0

5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Ms. Bell read both petitions' requests (1369-25-A and 1369-25-B) together since the parcels are adjacent parcels for the same request, but they will require individual hearings. Ms. Bell stated that the owner wanted to build a shelter for their horse and that the Comprehensive Plan's Future Land Use Plan in the A-R zoning is appropriate and recommends conditional approval: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first" for both parcels.

Chairman Kruzan asked if the petitioner was present.

Mr. McCotter stated was given a horse from the neighbor she couldn't take care of after the passing of her husband, and by combining both parcels, will resolve the issue.

Mr. Oliver asked the petitioner if he had any problems with the conditions that are required to comply with the conditional approval.

Mr. McCotter responded No.

Chairman Kruzan asked if anyone else wanted to speak in support or opposition of the petition, but no one responded. He brought the item back to the Board for questions or to make a motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.

6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Same petition from above, Ms. Bell read the description of this petition.

Chairman Kruzan asked if anyone was in support or opposition of the petition, with no answer, he brought the item back to the board for questions or motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.

7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road.

Ms. Bell read the description above and said the parcel is a legal lot of record and meets A-R zoning requirements, and is designated as Rural Residential-3, which has a 3-acre minimum. A request to rezone R-80 aligns with the Future Land Use Map and Comprehensive Plan. However, the existing house does not meet R-80 setback (21.88 feet instead of 30 feet) or minimum floor area (1724 square feet instead of 2500 square feet) requirements, but is a legal nonconforming structure. Staff recommends conditional approval for the rezoning, requiring the applicant to obtain a variance for the floor area or modify the house within 180 days before any final applications and to obtain a variance to the side yard setback in the R-80 or to modify the house within 180 calendar days pr before applying for any final plats or permits, whichever comes first.

Mr. Jean Allen stated the house was built years ago and everything was zoned A-R, and he wanted to get it rezoned to R-80.

Mr. Oliver asked the petitioner if he was okay with the conditions staff recommended. And if he wanted to rezone the property for himself?

Mr. Allen responded yes and said it was for family members.

With no further comments or questions from the Board they moved for a motion

John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.

8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138.

Ms. Bell stated that, as defined in the Fayette County Comprehensive Plan General Business Use is designated for this area and because the property is adjacent to C-H zoned properties and uses staff recommended approval for this rezoning to C-H, Highway Commercial.

Ms. Ellen Smith, representative with the law office of Parker Poe, explained that his client owns the self-storage next door to this parcel that was acquired in 2021 and got properly rezoned, its ninety-four leases; it's the third property owned by the same client, and would like to do the same project for this new petition, where the back side of the property will be additional self storage with some RV parking in the back and additional building at the front to shield that. She showed photos of the concept plan.

Mr. Chris Poholek added that when you are in front of the property, you can not see the self-storage part in the back, and it will have some retail uses at the front.

Chairman John Kruzan asked if anyone else was in support or opposition of the petition, with no response, he brought the item to the Board for questions.

Mr. John Culbreth, Sr., asked Ms. Smith if there was already an existing storage facility developed there.

Ms. Smith responded to the property that was originally a twenty-two-acre parcel and seven acres were developed in the adjacent parcel, stating they rezoned only that part and now they want the same with this petition.

Mr. Culbreth asked if it was the same owner.

Ms. Smith responded Yes.

Mr. Danny Englan asked if they would be conjoint.

Mr. Poholek responded yes, they will use the same curbcut and will be a gate with an access code, it will mirror the development already there.

Mr. England asked if the detention pond would be large enough to handle the new addition.

Mr. Poholek responded that they haven't studied that, but the options are to enlarge or to build a separate pond in the backyard.

Chairman Kruzan asked the Board if there were any other questions or to entertain a motion.

Danny England made the motion to recommend APPROVAL of Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road.

Ms. Bell stated the lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan. At 4161 SF, the existing house on the parcel DOES meet/exceed the dimensional requirements for R-78 for minimum floor area and it meets all building setback requirements, staff recommends conditional approval: "The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the submittal of permit applications, whichever comes first." Ms. Bell added that this rezoning will end the nonconforming use on the lot.

Chairman Kruzan asked if the petitioner was present.

Ms. Laura Weishaar explained that her husband was on his way from Atlanta, and lived there for five years, and loves living in the area, and just wanted to build a shop in the backyard, and they agree with the right of way dedication to the county.

Mr. Danny England asked staff why this rezoning is needed.

Ms. Bell responded that building the accessory structure is triggering the change of

zoning because it doesn't meet the lot width at the building line, and it's a cleaning solution.

Chairman asked the audience if anyone else was in support or opposition, with no response, he brought the item back to the Board for questions.

Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

10. Consideration of the Fayette County Planning Commission 2026 Calendar.

Ms. Bell mentioned the last item for the meeting was the approval of the 2026 Zoning Board of Appeals Calendar, and that, looking at holidays and for January and July meetings, will be moved to the second Thursday of the respective month due to the holiday schedule. She asked to re

Mr. Jim Oliver asked that they just need to recommend acceptance.

Ms. Bell responded Yes, Sir.

John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

ATTEST:

PLANNING COMMISSION
OF
FAYETTE COUNTY

JOHN KRUZAN, CHAIRMAN

DEBORAH BELL
DIRECTOR, PLANNING & ZONING

1368-25

PETITION No (s): 1371-25

SAGES REFERENCE No.: _____

STAFF USE ONLY

APPLICANT INFORMATION

PROPERTY OWNER INFORMATION

Name STUART REAGAN

Name STUART & LAURA REAGAN

Address 183 SUN ROAD

Address 183 SUN ROAD

City FAYETTEVILLE

City FAYETTEVILLE

State GA Zip 30214

State GA Zip 30214

Email [REDACTED]

Email [REDACTED]

Phone 678-997-7634

Phone 678-997-7634

AGENT(S) (if applicable)

Name _____

Name _____

Address _____

Address _____

City _____

City _____

State _____ Zip _____

State _____ Zip _____

Email _____

Email _____

Phone _____

Phone _____

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: Maria Binns Date: 09/10/2025

DATE OF PLANNING COMMISSION HEARING: November 6, 2025

DATE OF COUNTY COMMISSIONERS HEARING: December 11, 2025

Received from Stuart Reagan a check in the amount of \$ 350.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 09/10/25

Receipt Number: #025153
#025083

Paid

1368-25

PETITION No.: 1371-25 Fees Due: 350.00 Sign Deposit Due: 20.00

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0722 023 Acreage: 8.05
Land District(s): 01 (uninc) Land Lot(s): _____
Road Name/Frontage L.F.: SUN ROAD Road Classification: _____
Existing Use: RES. DENTAL Proposed Use: AGRICULTURE
Structure(s): _____ Type: _____ Size in SF: 3400
Existing Zoning: R-70 Proposed Zoning: A-R
Existing Land Use: RESIDENTIAL Proposed Land Use: AGRICULTURE
Water Availability: Y Distance to Water Line: _____ Distance to Hydrant: _____

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

STUART & LAURA REAGAN

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0722 023

(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) W.N.C. of the 101 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 8.05 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]
Signature of Property Owner 1
183 SUN ROAD FAYETTEVILLE GA
Address
[Signature]
Signature of Property Owner 2
183 SUN ROAD FAYETTEVILLE GA
Address

[Signature]
Signature of Notary Public
9/10/25
Date
[Signature]
Signature of Notary Public
9/10/25
Date



Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Signature of Notary Public

Date

Signature of Notary Public

Date

1368-25

PETITION No.: 1371-25

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: STUART & LAURA REAGAN

ADDRESS: 183 SUN ROAD FAYETTEVILLE GA 30214

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

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

This property includes: (check one of the following)

- See attached legal description on recorded deed for subject property or
- Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of November 6, 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of December 11, 2025 at ~~7:00~~ 2:00PM P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 10 DAY OF September, 2025

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC



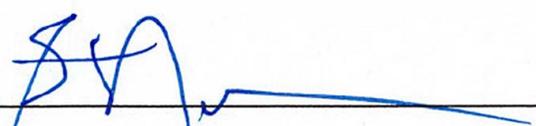
AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I, Mr. Stuart & Laura Renka, 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)

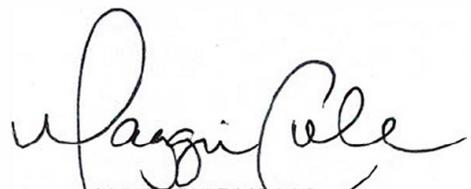
Sworn to and subscribed before me this 10 day of September, 2025.



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 10TH day of SEPTEMBER, 2025.

[Signature]
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

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: **No** **Yes (see attached disclosure report)**

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

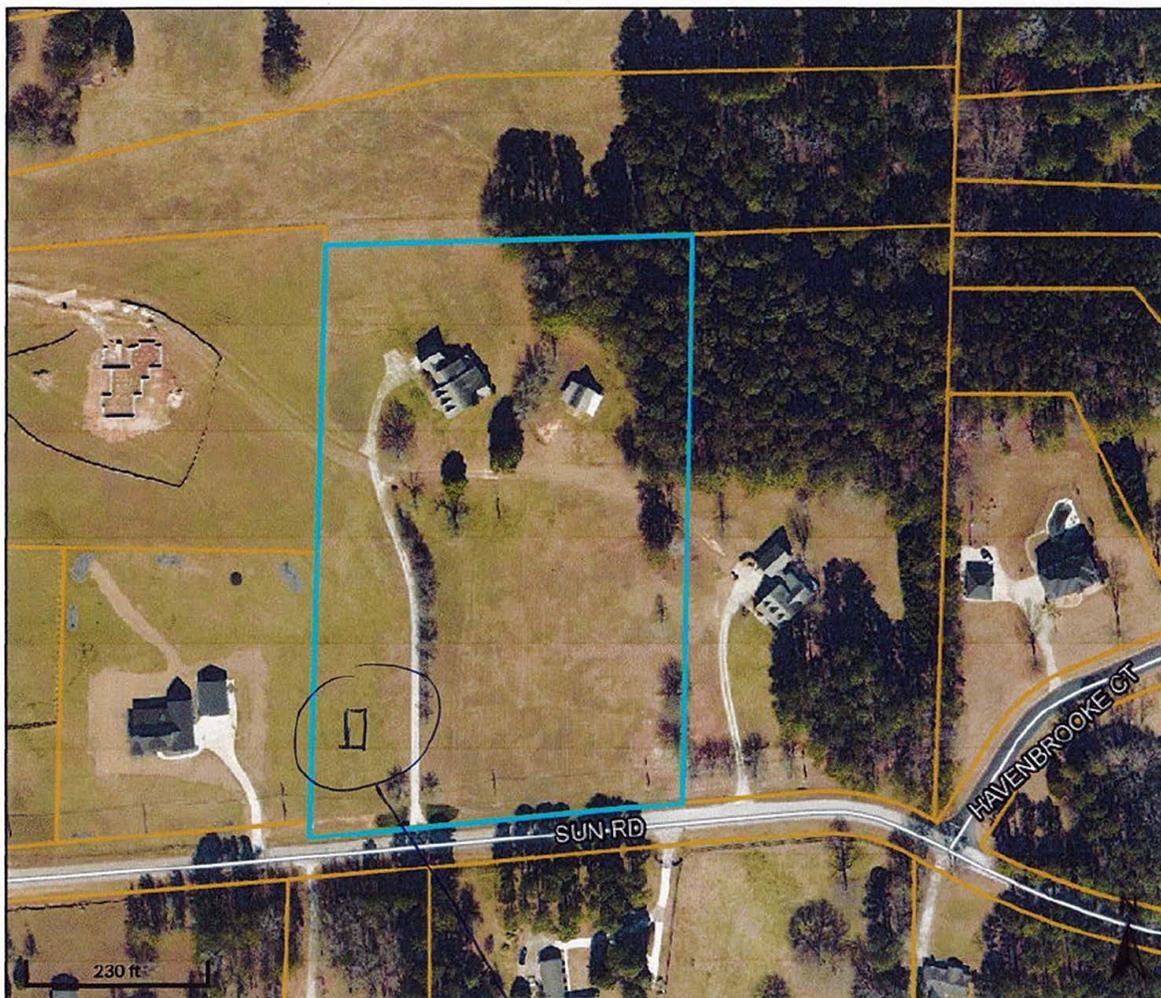
CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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



Fayette County, GA



Overview



Legend

- Parcels
- Roads
- City Limits**
- BROOKS
- FAYETTEVILLE
- PEACHTREECITY
- TYRONE
- WOOLSEY



Parcel ID 0722 023
 Sec/Twp/Rng n/a
 Property Address 183 SUN RD

Alternate ID 33134
 Class Agricultural
 Acreage 8.05

Owner Address STUART REGAN
 STUART LAURAK
 183 SUN ROAD
 FAYETTEVILLE, GA 30214

District
 Brief Tax Description County Uninc
 TRACT 2

(Note: Not to be used on legal documents)

Date created: 9/3/2025
 Last Data Uploaded: 9/3/2025 5:09:21AM



10' x 14' EQUINE SHELTER
 WOOD CONSTRUCTION WITH METAL
 ROOF. STRUCTURE WILL BE 50'+
 FROM WESTERN EDGE OF PROPERTY
 AND APPROXIMATELY 100' FROM SUN ROAD
 RIGHT OF WAY.

NOT DRAWN TO SCALE



OWNER'S CERTIFICATE

WE, THE UNDERSIGNED OWNERS AND/OR MORTGAGEE(S) OF THE BETTY J. ADAMS ESTATE SURVEY(S) HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS OF WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

Betty J. Adams 2-5-16
OWNER DATE

OWNER DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE," AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

BY: *L. G. Gaskins* 1-5-16
DATE
LARRY F. GASKINS A. GASKINS & ASSOCIATES, LLC
NUMBER 1620



**MINOR SUBDIVISION PLAT OF
BETTY J. ADAMS ESTATE**

Doc ID: 00981830001 Type: PLAT
Recorded: 02/05/2016 at 12:48:00 PM
Fee Amt: \$9.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Shelia Studdard-Clerk of Court
48 160

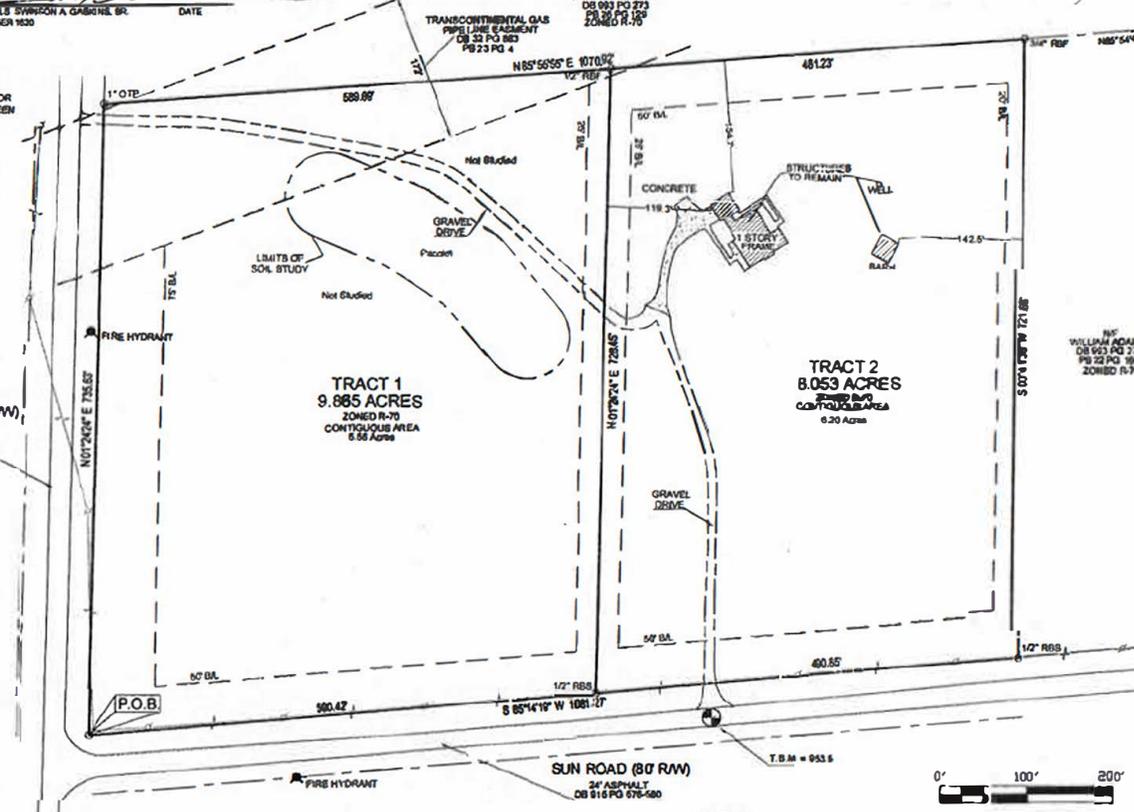
GENERAL NOTES

- OWNER: BETTY J. ADAMS
183 SUN ROAD
FAYETTEVILLE, GA 30214
404-604-6507
- SURVEYOR: S. A. GASKINS & ASSOCIATES, LLC
P.O. BOX 321
BROOKS, GA 30205
770-460-6342
hgaskins@gaskinsllc.com
- TOTAL ACREAGE: 17.81 ACRES
2 LOTS - ZONED R-70
MINIMUM DIMENSIONAL REQUIREMENTS FOR R-70 ZONING DISTRICT:
LOT AREA: 2 ACRES
LOT WIDTH: a. Major Throughfare: 1. 120 feet
2. Collector: 125 feet
b. Minor Throughfare: 150 feet
FLOOR AREA: 1600 SQ FEET
FRONT YARD SETBACK:
MAJOR THROUGHFARE: 75 FEET
COLLECTOR: 75 FEET
MINOR THROUGHFARE: 50 FEET
REAR YARD SETBACK: 50 FEET
SIDE YARD SETBACK: 25 FEET
- SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM
- WATER TO BE PROVIDED BY AN ON-SITE WELL
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR CURB/LL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE RECORDED EASEMENTS AS SHOWN ON THIS PLAT.
- THIS SITE IS LOCATED IN THE OCEANWATER RECHARGE AREA.
- 1/2" REINFORCING RODS SHALL BE SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- THERE ARE LOTS LOCATED ON COMMUNITY PANEL NUMBER 151 000006, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008 AND NO PORTION OF THEM LIES WITHIN A 100 YEAR FLOOD HAZARD AREA.
- EACH NECESSARY LOT HAS A MINIMUM CONTINGENT AREA THAT IS FREE AND CLEAR OF ZONING SETBACK, WATER-ED PROTECTION BUFFERS AND SETBACK, AND PROTECTIVE VEGETATION AND EASEMENTS OF ANY KIND.
- THERE IS NO VISIBLE CELESTIAL OR BURIAL CHURCH ON THIS PROPERTY.
- THERE ARE NO STATE WATERS LOCATED ON THIS SITE.
- THERE ARE NO WETLANDS LOCATED ON THIS SITE.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00' 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION



- LEGEND**
- REPAIRS FOUND
 - REPAIRS SET
 - LAND LOT
 - LAND LOT LINE
 - PROPERTY LINE
 - EDGE OF PAVEMENT
 - RIGHT-OF-WAY
 - UTILITY POLE
 - POINT OF BEGINNING
 - BOUNDARY LINE
 - DRAINAGE EASEMENT
 - NON-ORIGINALLY
 - WELL
 - DEPOSED BOOK
 - PLAT BOOK
 - CHARGE
 - OPEN TOP PIPE
 - FIELD WORK

SOIL CLASSIFICATION DELINEATION

LARRY F. GASKINS HEREBY CERTIFY THAT THE LEVEL 1 SOIL SURVEY INFORMATION PROVIDED ON THIS PLAT WAS PERFORMED BY RESOURCE ENGINEERS, INC. IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES' CURRENT MANUAL FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS.

Larry F. Gaskins 1-5-16
DATE
LARRY F. GASKINS
PROFESSIONAL ENGINEER
REGISTRATION NO. PE 012170
REGISTRATION PLANS/EXHIBIT NUMBERS
8306 SPENCE ROAD, FAYETTEVILLE, GA 30213
PHONE: 770-988-6820



Job No. SA 15-190
Drawn By: R.D.G. / Reviewed By: S.A.G.
Issue Date: 1/03/15
F.W.P.D.: 1024/15
Revisions: _____ Date: _____

Property Location
Land Lot 75 Of The 7th Land Distri
Fayette County Georgia
Prepared For:
BETTY J. ADAMS

S. A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
770-460-6342
hgaskins@gaskinsllc.com

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL
DATE: 1/26/16
APPROVED BY THE FAYETTE COUNTY PERMITS DEPARTMENT
DATE: 1/26/16
APPROVED BY FAYETTE COUNTY STORMWATER MANAGEMENT DEPARTMENT
DATE: 1-27-16
APPROVED BY FAYETTE COUNTY ENGINEER
DATE: 1/15/16
APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION
DATE: 2/11/2016
APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR
DATE: 1/22/16

Type: ESTD
Recorded: 10/4/2024 9:37:00 AM
Fee Amt: \$750.00 Page 40 of 393
Transfer Tax: \$725.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 1138094925,
7067927936

BK 5766 PG 498

Please return to:
Lawson, Beck & Sandlin, LLC
560 Newnan Crossing Bypass, Suite 100
Newnan, GA 30263
File # 24-NWN-1006
Att: Lexi Clarke
Parcel Number: 0722 023

STATE OF GEORGIA
COUNTY OF COWETA

EXECUTOR'S DEED

THIS INDENTURE made this 3rd day of October, 2024 between

Pamela Jean Dunn, as Co-Executor of the Estate of Betty Joyce Adams aka Joyce Adams and William Randall Adams, as Co-Executor of the Estate of Betty Joyce Adams aka Joyce Adams

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

Stuart Reagan and Laura K. Reagan as Joint Tenants With Right of Survivorship

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

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

All that tract or parcel of land lying and being in Land Lot 75 of the 7th District, Fayette County, Georgia, being Tract 2, containing 8.053 Acres of Prepared for Betty J. Adams, as per plat thereof recorded in Plat Book 48, Page 160, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE; in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

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

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

Signed, Sealed and delivered in the presence of:

Unofficial Witness

Notary Public

Pamela Jean Dunn, as Co-Executor of the Estate of Betty Joyce Adams aka Joyce Adams

Pamela Jean Dunn, as Co-Executor of the Estate of Betty Joyce Adams aka Joyce Adams

William Randall Adams, as Co-Executor of the estate

William Randall Adams, as Co-Executor of the Estate of Betty Joyce Adams aka Joyce Adams

of Betty Joyce Adams aka Joyce Adams



PETITION FOR REZONING
CERTAIN PROPERTIES
IN UNINCORPORATED AREAS
OF

FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, De-
cember 4, 2025, at 7:00 P.M., and
before the Fayette County Board
of Commissioners on Thursday,
January 22, 2025, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No: 1368-25

Parcel No: 0722 023

Owner: Stuart Reagan and Laura
K. Reagan

Zoning District: R-70

Area of Property: 8.053 acres

Land Lot(s)/District: Land Lot 75
of the 7th District

Fronts on: Sun Road

Proposed: Applicant proposes the
following: Applicant is requesting
to rezone

8.053 acres from R-70 (Sin-
gle-Family Residential) to A-R
(Agricultural-
Residential).

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

Legal Description

All that tract or parcel of land lying
and being in Land Lot 75 of the 7th
District, Fayette County, Georgia,
being Tract 2, containing 8.053
Acres of Prepared for Betty J. Ad-
ams, as per plat thereof recorded
in Plat Book 48, Page 166, Fayette
County, Georgia Records, which
recorded plat is incorporated here-
in by reference and made a part of
this description.

11/12

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held
before the Fayette County Board
of Commissioners on Thursday,
January 22, 2026, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No: 1368-25

Parcel No: 0722 023

Owner: Stuart Reagan and Laura
K. Reagan

Zoning District: R-70

Area of Property: 8.053 acres

Land Lot(s)/District: Land Lot 75
of the 7th District

Fronts on: Sun Road

Proposed: Applicant proposes the
following: Applicant is requesting
to rezone

8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential).

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

Legal Description

All that tract or parcel of land lying
and being in Land Lot 75 of the 7th
District, Fayette County, Georgia,
being Tract 2, containing 8.053
Acres of Prepared for Betty J. Adams,
as per plat thereof recorded

in Plat Book 48, Page 160, Fayette
County, Georgia Records, which
recorded plat is incorporated here-
in by reference and made a part of
this description

12/17

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1371-25, Parcel 1306 023, CK 138 LLC, owner, requests to rezone 15.733 acres from R-40 (Single-Family Residential) to C-H (Highway Commercial); property located in Land Lot(s) 198 of the 13th District and fronts State Route 138. This item was tabled at the January 22, 2026 Board of Commissioners meeting.

Background/History/Details:

The property is a legal lot of record. An approved plat was recorded in Plat Book 101 Page 168 on November 22, 2021. A portion of the parent parcel was the subject of Rezoning Petition No. 1305-21. That part of the property was rezoned to C-H, Conditional on May 27, 2021. The balance of parcel remained R-40 & is subject of this petition. This parcel is subject to requirements of Sec. 110-173. – (5) SR 138 and North SR 314 overlay zone. – The overlay zone provides additional setbacks, architectural and lighting standards, and access standards. As defined in the Fayette County Comp Plan, General Business Use is designated for this area. However, because the property is immediately adjacent to C-H zoned properties and uses, staff recommends APPROVAL of the request for a zoning of C-H, Highway Commercial.

On December 4, 2025, the Planning Commission voted unanimously to recommend APPROVAL of the request to rezone from A-R to C-H. Danny England made a motion to recommend approval of Petition 1371-25. John Culbreth seconded the motion. The motion carried 5-0.

This Petition was tabled from the January 22, 2026, BOC meeting due to lack of a full board.

What action are you seeking from the Board of Commissioners?

Consideration of Petition 1371-25, Parcel 1306 023, CK 138 LLC, owner, requests to rezone 15.733 acres from R-40 (Single-Family Residential) to C-H (Highway Commercial); property located in Land Lot(s) 198 of the 13th District and fronts State Route 138.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1371-25

REQUESTED ACTION: Rezone from R-40 to C-H, Highway Commercial District

PARCEL NUMBER: 1306 023

PROPOSED USE: Commercial Uses

EXISTING USE: Undeveloped

LOCATION: 2290 Hwy 138

DISTRICT/LAND LOT(S): 13th District, Land Lot 198

ACREAGE: 15.733 acres

OWNER(S): CK 138 LLC

APPLICANT(S): CK 138 LLC

AGENT: Dakota Carruthers, Parker Poe Adams and Bernstein LLP

PLANNING COMMISSION PUBLIC HEARING: *December 4, 2025, Tabled from the Planning Commission Hearing on November 6, 2025.*

BOARD OF COMMISSIONERS PUBLIC HEARING: *February 26, 2026, at 5:00 PM (Tabled from the January 22, 2026, BOC meeting due to a lack of a full board.)*

APPLICANT'S INTENT

Applicant proposes to rezone 15.733 acres from R-40 (Single-Family Residential) to C-H (Highway Commercial) for the purposes of future office development.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, General Business Use is designated for this area. However, because the property is immediately adjacent to C-H zoned properties and uses, staff recommends **APPROVAL** of the request for a zoning of C-H, Highway Commercial.

PLANNING COMMISSION RECOMMENDATION

On December 4, 2025, the Planning Commission voted unanimously to recommend **APPROVAL** of the request to rezone from A-R to R-80. Danny England made a motion to recommend conditional approval of Petition 1370-25. John Culbreth seconded the motion. The motion carried 5-0.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION: The property is a legal lot of record based on the ordinance criteria. An approved minor final plat was recorded in Plat Book 101 Page 168 on November 22, 2021.

B. REZONING HISTORY: A portion of the original parent parcel of this property was the subject of Rezoning Petition No. 1305-21. That part of the property was rezoned to C-H, Conditional on May 27, 2021. The balance of the property remained R-40 and is the subject of this petition.

This parcel is also subject to the requirements of Sec. 110-173. – (5) SR 138 and North SR 314 overlay zone. – The overlay zone provides additional setbacks, architectural and lighting standards, and access standards.

C. CURRENT DEVELOPMENT HISTORY: The property is currently undeveloped.

B. SURROUNDING ZONING AND USES: The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across SR)	100+	N/A	Clayton County	Clayton County
East	7.5 6.7	R-40 C-H	Single Family Residential Commercial	Office Commercial
South	33 20	R-40 G-B	Single Family Residential General Business, undeveloped	Low Density Residential (1 Unit /1 acre) and Office
West	4.5 85	R-40 G-B	Single Family Residential General Business, undeveloped	Low Density Residential (1 Unit /1 acre) and General Business

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for General Business. The list of uses allowed in both G-B and C-H are included in this report.

This request **DOES CONFORM** to the Fayette County Comprehensive Plan by virtue of the fact that it is adjacent to other C-H zoning, and by the similarities in C-H and G-B districts.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on SR 138; access will be under the jurisdiction of Georgia Department of Transportation (GDOT) and will be addressed when site development plans are submitted.

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

E. DEPARTMENTAL COMMENTS

- **Water System** – Area not currently served by the Fayette County Water System. Water line terminates at property line to the east. Extension of water line shall be responsible for extension of
- **Public Works**
 - **Road Frontage Right of Way Dedication** – The parcel is limited to only GDOT access on SR 54 East.
 - **Traffic Data** -- The parcel fronts SR 54 which has an Annual Average Daily Volume of approximately 25,300 VPD as estimated by GDOT in February 2024 at a location 0.1 miles west of the site near the Ebenezer Road redlight. The use of the site as O-I should not have a significant increase in traffic volume on SR 54 or any local side streets.
 - **Sight Distance and access** -- GDOT will provide access/permits to SR 54 and sight distance requirements.
 - **GDOT Comments** – Planning and zoning has not received comments from Stanford Taylor at GDOT as of this report.
- **Environmental Management**
 - **Floodplain Management** -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113CO083EE dated September 26, 2008. The parcel **DOES NOT** contain additional floodplain delineated in the Fayette County 2013 Dewberry Limited 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** state waters located on the subject property per Fayette County GIS.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance.
 - **Tree Protection and Landscaping**
This parcel **WILL BE** subject to the tree protection and Landscaping ordinances.
- **Environmental Health Department** – This office has no objection to the rezoning.
- **Fire** – No objections to the requested rezoning.
 - **GDOT** – The developer shall obtain access to the property from State Route 138. A permit from GDOT is required.

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 General Business Uses. This request does not conform strictly to the Fayette County Comprehensive Plan but may be given consideration for a C-H zoning because of the immediate adjacency to other C-H zoned parcels.
2. The area around the subject property is an area that already has various commercial and office uses. There are some residential uses to the south and east, but staff does not anticipate that the C-H uses within this area will have an adverse impact on the adjacent parcels.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as Office-Institutional.

ZONING DISTRICT STANDARDS**Sec. 110-144. C-H, Highway Commercial District.**

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

- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;

- (66) Restaurant, including drive-in and/or drive-through;
 - (67) Retail establishment;
 - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;
 - (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);
 - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.

- (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
 - (7) Height limit: 35 feet.
 - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

Sec. 110-150. - G-B, General-Business District.

(a) *Purpose.* The purpose of the General Business District (G-B) is to provide for business development that contains uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The G-B zoning district limits the development of retail commercial uses and reduces the resulting traffic generation and noise associated with this type of development. The uses allowed in this zoning district could lend to a business park development pattern.

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

- (1) Auction house (indoor only);
- (2) Banquet hall and/or catering service;
- (3) Business, professional, and/or government offices;
- (4) Business support centers and/or call centers;
- (5) College and/or university, classrooms and/or administration only;
- (6) Computer data services and/or information technology;
- (7) Educational/instructional/tutoring facilities, including, but not limited to: art; computer; dance; driving and/or DUI; martial arts; music; professional/business/trade; and similar facilities;
- (8) Financial, credit, real estate, and/or insurance establishments (excluding retail banking facilities or pawn establishments);
- (9) Health club, fitness center, and/or indoor athletic facility (excluding bowling alleys, pool rooms and skating rinks);
- (10) Medical supply and equipment sales;
- (11) Printing, graphic, blue printing, photography lab, and/or reproduction service;

- (12) Private school, including, classrooms and/or administration only;
- (13) Publishing and distribution;
- (14) Restaurant supply;
- (15) Scientific, medical/dental, and/or research laboratories;
- (16) Television/radio broadcasting studio, recording studio, telecommunication, and/or movie/media productions (including on-site with movie/media productions, ancillary businesses that supply support services, equipment and resources to the movie/media industry); and
- (17) Training center, trade school, and/or vocational centers.

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

- (1) Single-family residence and residential accessory structures and uses (see article III of this chapter);
- (2) Home occupation;
- (3) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
- (4) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium; and
- (5) Self-storage facility (external and/or internal access).

(d) *Dimensional requirements.* The minimum dimensional requirements in the G-B shall be as follows:

- (1) Lot area:
 - a. Where public water is available: 43,560 square feet (one acre).
 - b. Where public water is not available: 65,340 square feet (1.5 acres).
- (2) Lot width: 125 feet.
- (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Major arterial: 100 feet.
 - 2. Arterial: 100 feet.
 - 3. Collector: 80 feet.
 - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 25 feet.
- (5) Side yard setback: 25 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet shall be provided adjacent to the lot line, in addition to the required setback. The setback shall be measured from the buffer.
- (7) Height limit:
 - a. 40 feet.
 - b. Only soundstages associated with movie/media productions in this zoning district may exceed 40 feet in height. The front setback shall be increased eight feet for every one foot of building height over 40 feet. If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of building height over 40 feet.
 - c. The required minimum acreage shall be increased based on building height per the table below:

Height Limit	Required Acreage
50 feet	20 – 50

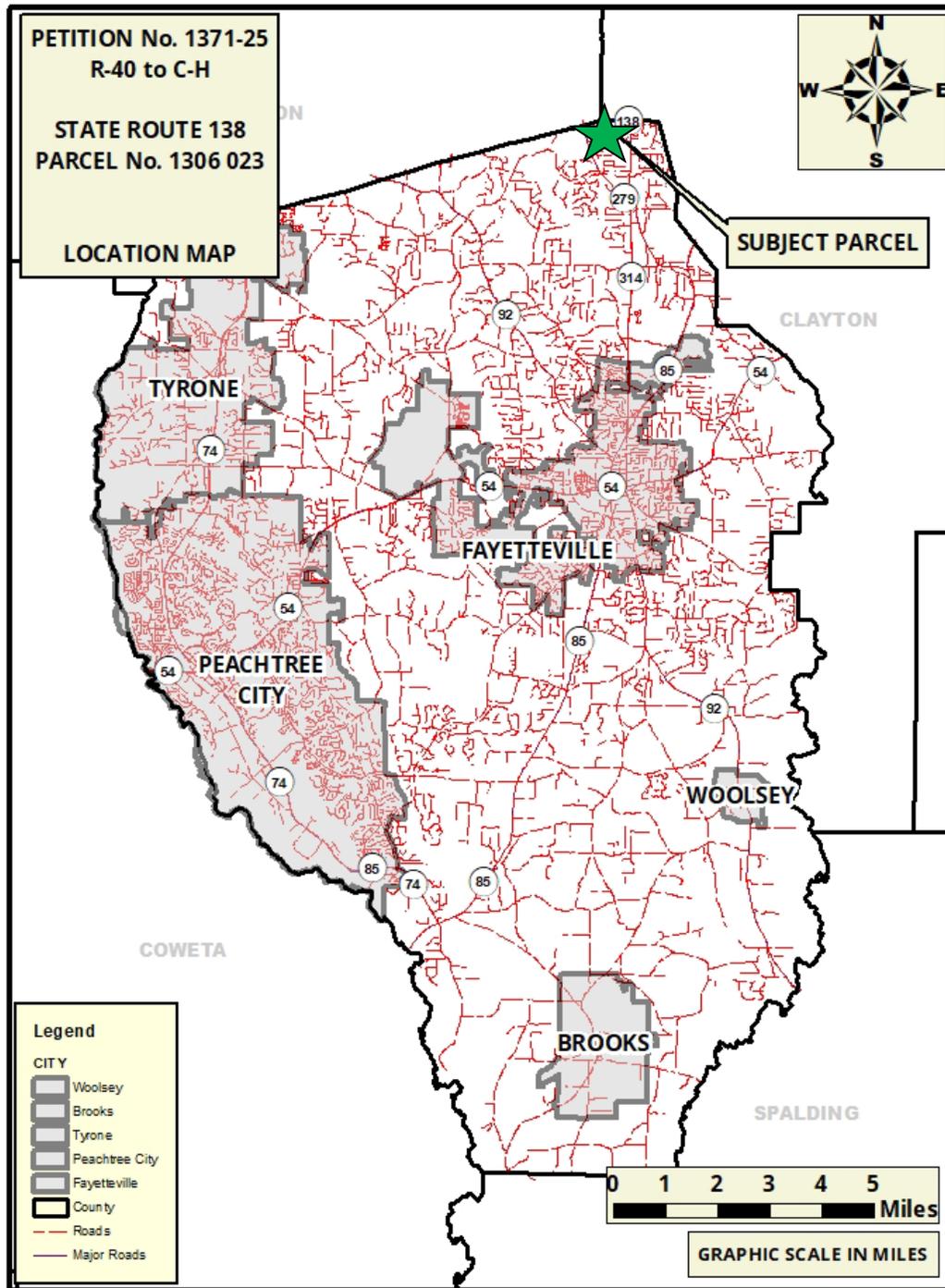
Height Limit	Required Acreage
55 feet	>50 - 75
60 feet	>75 - 100
65 feet	>100

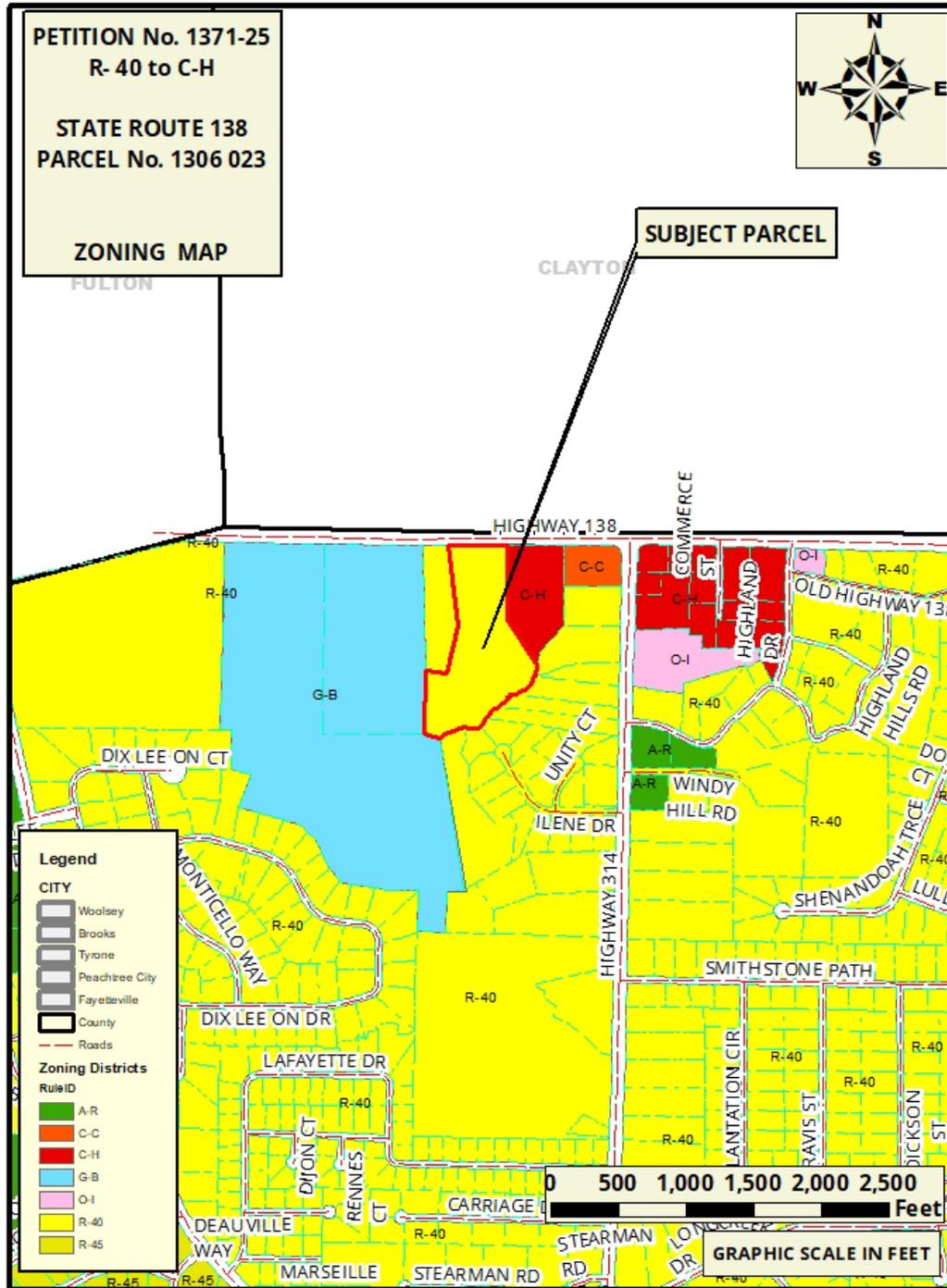
(8) Lot coverage limit, including structures and parking area: 70 percent of total lot area.

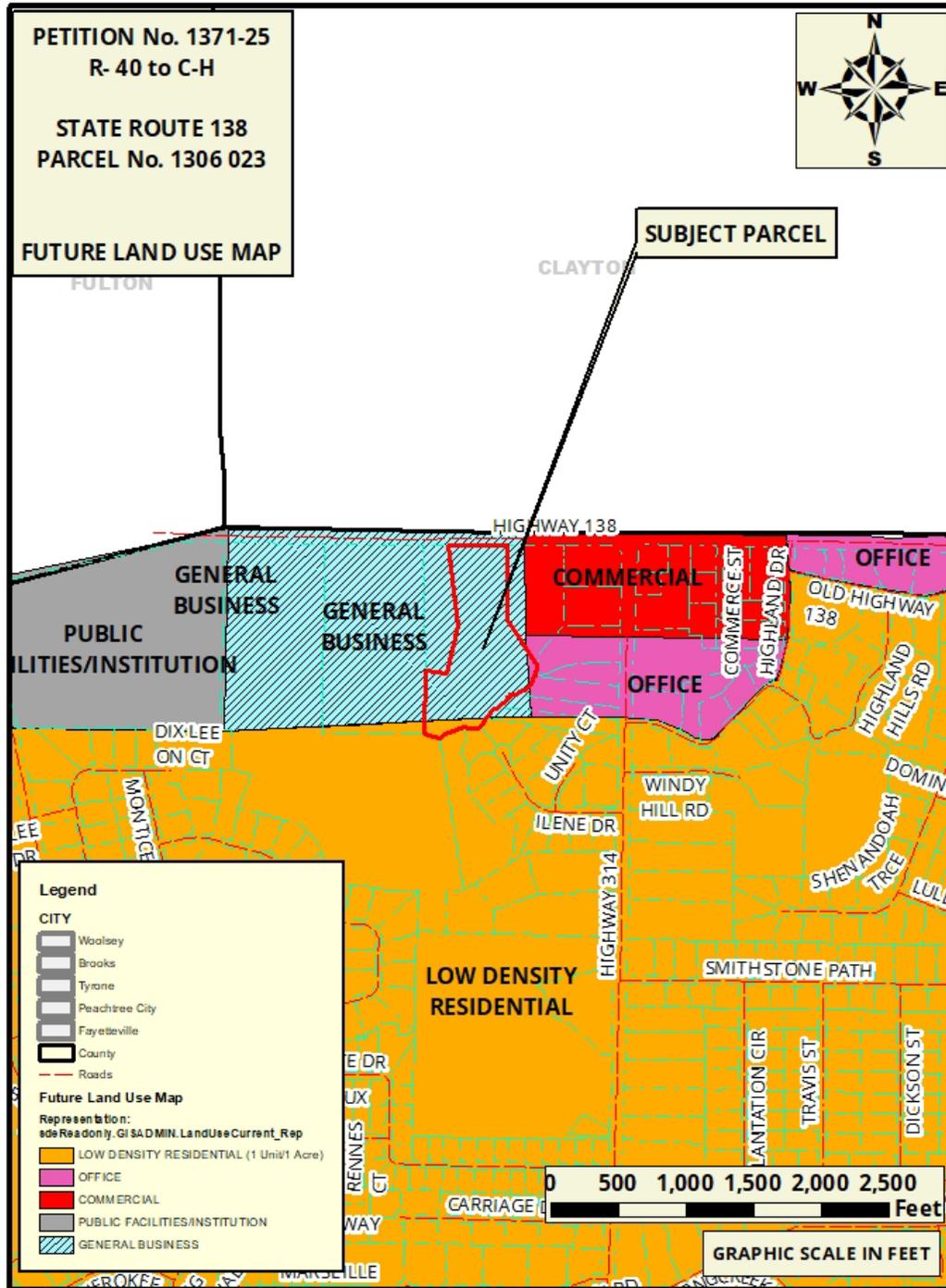
(9) Outside storage and refuse area requirements. The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall apply.

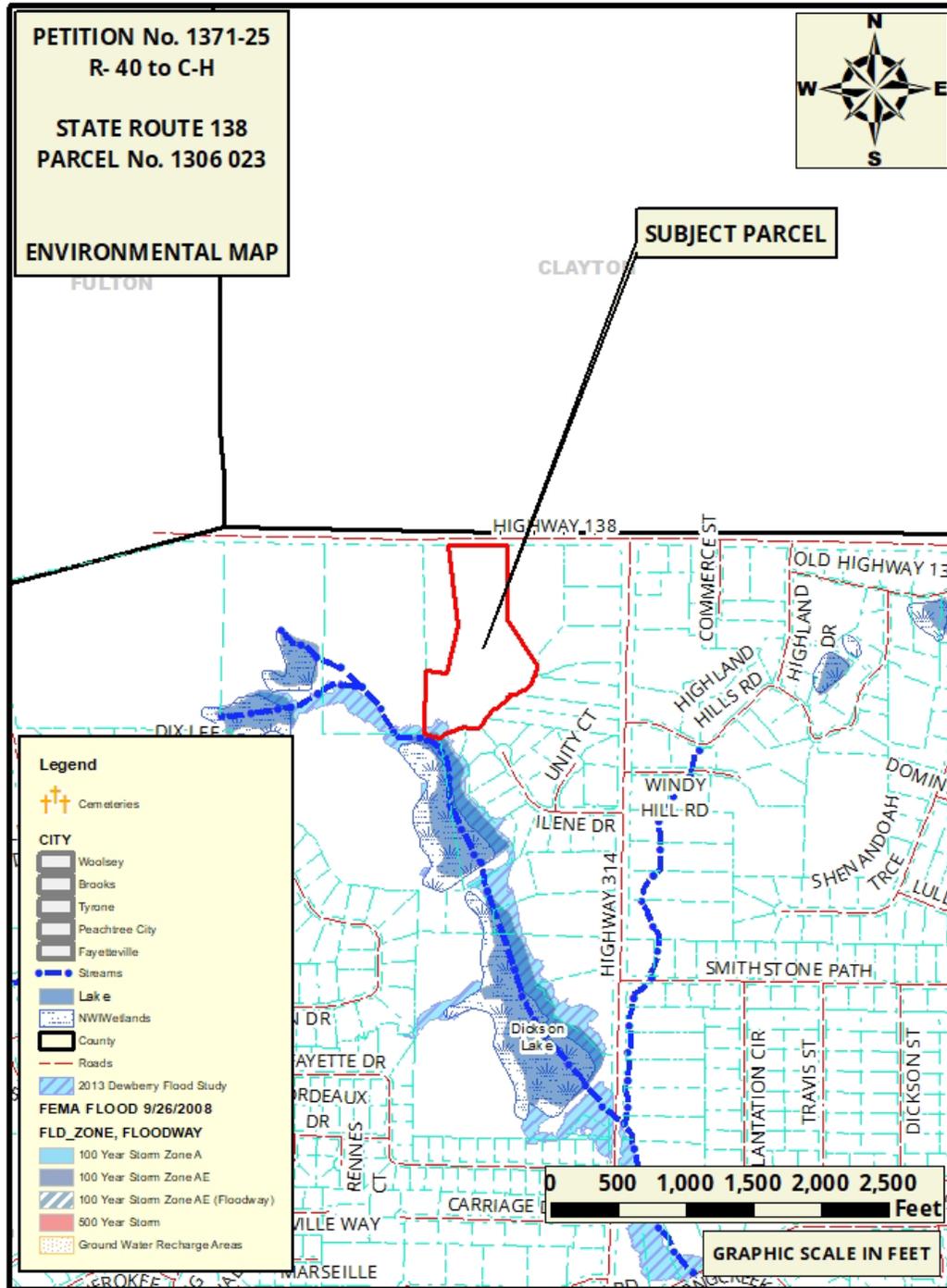
a. Outside storage of merchandise, equipment, parts, and business vehicles shall be allowed in side or rear yards only, subject to screening, setback and buffer requirements.

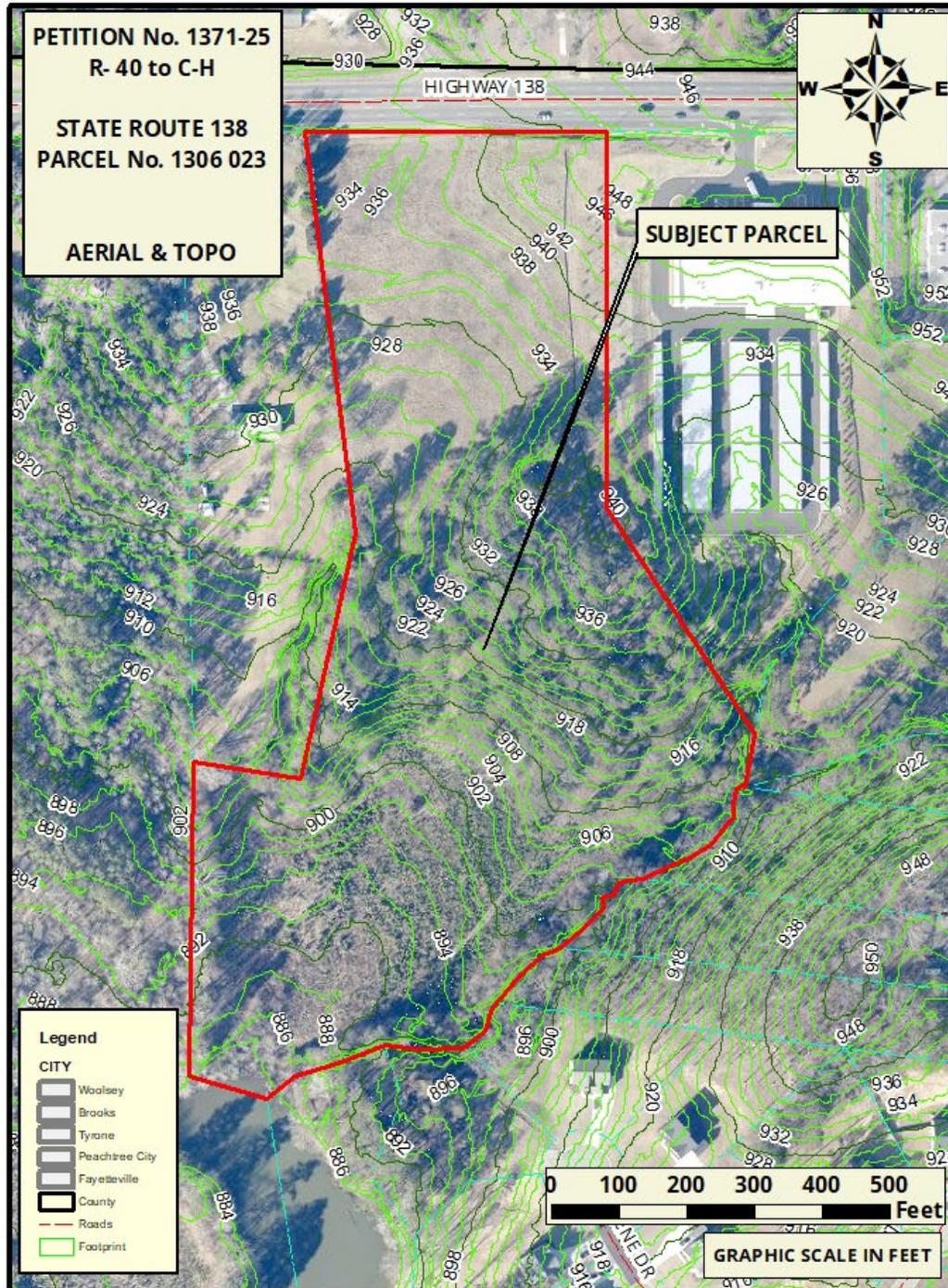
b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.











BOARD MEMBERS

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

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 04, 2025
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to change items number 7 and 8 (Petitions No. 1372-25-A and B) to number 1 and 2. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. *Consideration of Petition 1372-25-A, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.*

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. ***John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.***
3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. ***Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.***
4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road. ***Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0***
5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.***
6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.***
7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road. ***John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.***
8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138. ***Danny England made the motion to recommend APPROVAL of***

Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road. ***Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.***

10. Consideration of the Fayette County Planning Commission 2026 Calendar. ***John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.***

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

Meeting Minutes 12/04/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on December 4th, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to renumber items 7 and 8 (Petitions No. 1372-25-A and B) to 1 and 2, respectively. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0.*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. ***Consideration of Petition 1372-25-A***, 1246 Highway 314, Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Ms. Debbie Bell stated that items 1 and 2 (1372-25-A and 1372-25-B) are adjacent parcels for the same request, but they will require individual hearings. She read the description for both parcels and also mentioned the smaller lot is a legal nonconforming lot and, as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Low Density Residential is designated for this area, so the request for A-R zoning, which is a lower density district, is appropriate. Parcel 1306-117 (4.738 acres) does not meet the minimum lot size for the A-R zoning. Therefore, a condition is recommended to ensure it is combined with the larger parcel, which will resolve this issue. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends conditional approval of the request for a zoning of A-R, Agricultural-Residential: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first."

Chairman John Kruzan asked if the petitioner was present.

Mr. Randy Boyd, representative. – Explained, Mr. Hill asked him to represent him on this petition. He knew the petition was denied back in August and read a letter from Mr. Hill where he has previously sent it in response to one of the neighbors asking about the rezoning where he stated he was the owner of the property in question and he's a member of the North Fayette Homeowners Association, and wanted to rezone it to support a lower impact in the community such as licensed private fishing, small event wedding, and the use of the house as a bed and breakfast, and added will not exceed the allow parking spaces to manage traffic flow and preserve the neighborhoods area. The house was built in 1958, and they decided to sell it after the state required significant updates to the Lake Drainage System, a cost they couldn't afford, and they have already taken steps toward it.

Chairman Kruzan asked if anyone was in support of the petitions, with no response, then he asked if anyone was in opposition to come to the podium and speak.

Mr. Danny England asked staff what differences from the last time the board heard the petition back in August.

Ms. Bell responded that nothing has changed since the petitioner withdrew from the Board of Commissioners Meeting after the previous Planning Commission Meeting and re-applied.

Mr. England asked in the last meeting, staff recommendation was for denial, and now it's conditional approval. Is that correct?

Ms. Bell responded that the staff recommendation was for conditional approval at that time; nothing has changed since the last meeting.

Mr. England wanted to make sure he was not missing something; no other changes were made.

Ms. Gail Raby requested to denied both petitions, the surrounding neighborhoods had expressed their concerns back in August and opposed having a business at that address, believing it would increase the traffic in the area, and that becoming A-R zoning would bring a variety of businesses bringing a lot of noise something Mr. Xavier doesn't understands because he doesn't live in the community or the county. She stated that the properties in question have three access points (two from Highway 314 and one in LaFayette Estates), compromise someone getting hit while walking. Ms. Gail expressed her concerns about Mr. Hill selling parts of the property to other businesses with other uses and expressed what's happening right now with the big lights at the front of the property and mobile parties that, according to her, are causing a lot of discomfort and safety concerns. She asked the board to deny both petitions.

Ms. Marcelle English stated that she and her mother are opposed to this rezoning and expressed that neither Mr. Hill nor her mother resides within the property and stated that when he rents it to third parties, and potential uses under the A-R zoning where he has no control over security, trash, noise, or traffic, in reality, to run a business at that property.

Ms. Alice Jones mentioned she has remorse about the Rick Ross property, also A-R zoning and the impact within the community. Spoke about the traffic increase, getting in and out of the subdivisions, and being one of the founders of the North Fayette Community Association, where she thinks Mr. Hill has been in an appeal meeting for this proposal. Ms. Jones asked the board to deny both petitions.

Mr. Walter Metzger stated he has no problem developing the property for residential use. He resides across the street from Mr. Hill's property and mentioned he has several events, loud music that he can hear inside his house. He stated that if rezoned will come with different uses and you will still have the noise and more traffic that will bring the house's value down.

Ms. Tonya Conley questioned why we are still considering these petitions, explaining that she resides to the left of the properties and she mentioned that the noise is being heard and said someone from the previous meeting, from LaFayette, speaking about someone who put out signs about refurbishing the lake and the runoff that was to be expected in his subdivision, and to create an additional road.

Mr. William Walker spoke about his concerns with data center developments in the area, and he doesn't know if this property will become one.

Mr. Randy Boyd spoke in rebuttal and stated that the petitioner completely withdrawn the

previous request. He mentioned noise limits and under the current zoning (R-40), certain conditional uses can be developed, like a church, private school, etc., and will have an impact on traffic, likewise. He stated he had a very short time to research the property, and regarding the lake he stated it will have to be done by being categorized as a category one lake because if it fails, it will be a loss of life. Mr. Boyd called the board for approval for a less intense use.

Since there are two separate petitions (1372-25-A and 1372-25-B) for two different parcels that are adjacent to each other, the Board will need to hear two separate hearings for each request. The same opposition comments were stated by the residents whose names had previously been spoken.

Mr. Jim Oliver asked Mr. Randy Boyd if they had any problems with the conditions posted on the recommendation for each petition.

Mr. Boyd responded No.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Chairman Kruzan asked the board if they had any questions or comments, and if not, to proceed with a motion for petition 1372-25-B.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0

3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing.

Ms. Bell explained that under public hearings, the state changed the advertising requirements for variance two years ago, where the ads had to be run 30-45 days before a variance could be heard, and this new change from 15 but not more than 45 calendar days will make it easier to fit those advertisements into the agendas.

Mr. John Culbreth, Sr., asked staff if the state changed its rule.

Ms. Bell responded to certain things that zoning has to meet the state zoning procedure laws and the advertisements for rezonings, if one of those falls under different sections under O.C.G.A.'s and this will be brought into alignment with a recent amendment to the state code.

Chairman Kruzan asked if anyone wanted to speak in support or opposition to the

request, but with no response, he brought it back to the board for questions or a motion.

Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.

4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road.

Ms. Bell stated the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends approval of the request to rezone to A-R.

Ms. Laura Reagan stated that previously, they had requested a variance to build a running shelter on each of their fenced pastures and already had two horses. The main request for this new variance is for her to have more chickens.

Ms. Bell explained that the reading of the ordinance in the A-R zoning allows you to have horses, but you have to have ten acres to have a horse shelter.

Chairman Kruzan asked if anyone was in support or opposition of the request. No one responded, brought the item back to the board for questions, or made a motion.

Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0

5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Ms. Bell read both petitions' requests (1369-25-A and 1369-25-B) together since the parcels are adjacent parcels for the same request, but they will require individual hearings. Ms. Bell stated that the owner wanted to build a shelter for their horse and that the Comprehensive Plan's Future Land Use Plan in the A-R zoning is appropriate and recommends conditional approval: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first" for both parcels.

Chairman Kruzan asked if the petitioner was present.

Mr. McCotter stated was given a horse from the neighbor she couldn't take care of after the passing of her husband, and by combining both parcels, will resolve the issue.

Mr. Oliver asked the petitioner if he had any problems with the conditions that are required to comply with the conditional approval.

Mr. McCotter responded No.

Chairman Kruzan asked if anyone else wanted to speak in support or opposition of the petition, but no one responded. He brought the item back to the Board for questions or to make a motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.

6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Same petition from above, Ms. Bell read the description of this petition.

Chairman Kruzan asked if anyone was in support or opposition of the petition, with no answer, he brought the item back to the board for questions or motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.

7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road.

Ms. Bell read the description above and said the parcel is a legal lot of record and meets A-R zoning requirements, and is designated as Rural Residential-3, which has a 3-acre minimum. A request to rezone R-80 aligns with the Future Land Use Map and Comprehensive Plan. However, the existing house does not meet R-80 setback (21.88 feet instead of 30 feet) or minimum floor area (1724 square feet instead of 2500 square feet) requirements, but is a legal nonconforming structure. Staff recommends conditional approval for the rezoning, requiring the applicant to obtain a variance for the floor area or modify the house within 180 days before any final applications and to obtain a variance to the side yard setback in the R-80 or to modify the house within 180 calendar days pr before applying for any final plats or permits, whichever comes first.

Mr. Jean Allen stated the house was built years ago and everything was zoned A-R, and he wanted to get it rezoned to R-80.

Mr. Oliver asked the petitioner if he was okay with the conditions staff recommended. And if he wanted to rezone the property for himself?

Mr. Allen responded yes and said it was for family members.

With no further comments or questions from the Board they moved for a motion

John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.

8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138.

Ms. Bell stated that, as defined in the Fayette County Comprehensive Plan General Business Use is designated for this area and because the property is adjacent to C-H zoned properties and uses staff recommended approval for this rezoning to C-H, Highway Commercial.

Ms. Ellen Smith, representative with the law office of Parker Poe, explained that his client owns the self-storage next door to this parcel that was acquired in 2021 and got properly rezoned, its ninety-four leases; it's the third property owned by the same client, and would like to do the same project for this new petition, where the back side of the property will be additional self storage with some RV parking in the back and additional building at the front to shield that. She showed photos of the concept plan.

Mr. Chris Poholek added that when you are in front of the property, you can not see the self-storage part in the back, and it will have some retail uses at the front.

Chairman John Kruzan asked if anyone else was in support or opposition of the petition, with no response, he brought the item to the Board for questions.

Mr. John Culbreth, Sr., asked Ms. Smith if there was already an existing storage facility developed there.

Ms. Smith responded to the property that was originally a twenty-two-acre parcel and seven acres were developed in the adjacent parcel, stating they rezoned only that part and now they want the same with this petition.

Mr. Culbreth asked if it was the same owner.

Ms. Smith responded Yes.

Mr. Danny Englan asked if they would be conjoint.

Mr. Poholek responded yes, they will use the same curbcut and will be a gate with an access code, it will mirror the development already there.

Mr. England asked if the detention pond would be large enough to handle the new addition.

Mr. Poholek responded that they haven't studied that, but the options are to enlarge or to build a separate pond in the backyard.

Chairman Kruzan asked the Board if there were any other questions or to entertain a motion.

Danny England made the motion to recommend APPROVAL of Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road.

Ms. Bell stated the lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan. At 4161 SF, the existing house on the parcel DOES meet/exceed the dimensional requirements for R-78 for minimum floor area and it meets all building setback requirements, staff recommends conditional approval: "The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the submittal of permit applications, whichever comes first." Ms. Bell added that this rezoning will end the nonconforming use on the lot.

Chairman Kruzan asked if the petitioner was present.

Ms. Laura Weishaar explained that her husband was on his way from Atlanta, and lived there for five years, and loves living in the area, and just wanted to build a shop in the backyard, and they agree with the right of way dedication to the county.

Mr. Danny Englan asked staff why this rezoning is needed.

Ms. Bell responded that building the accessory structure is triggering the change of

zoning because it doesn't meet the lot width at the building line, and it's a cleaning solution.

Chairman asked the audience if anyone else was in support or opposition, with no response, he brought the item back to the Board for questions.

Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

10. Consideration of the Fayette County Planning Commission 2026 Calendar.

Ms. Bell mentioned the last item for the meeting was the approval of the 2026 Zoning Board of Appeals Calendar, and that, looking at holidays and for January and July meetings, will be moved to the second Thursday of the respective month due to the holiday schedule. She asked to re

Mr. Jim Oliver asked that they just need to recommend acceptance.

Ms. Bell responded Yes, Sir.

John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

ATTEST:

PLANNING COMMISSION
OF
FAYETTE COUNTY

JOHN KRUZAN, CHAIRMAN

DEBORAH BELL
DIRECTOR, PLANNING & ZONING

PETITION No (s): 1371-25
STAFF USE ONLY

Rezone -09-25-
SAGES REFERENCE No.: 090263

APPLICANT INFORMATION

Name CK 138 LLC
Address 300 Galleria Parkway, SE, suite 200
City Atlanta
State Georgia Zip 30339
Email Chris.Poholek@childressklein.com
Phone 404.386.1215

PROPERTY OWNER INFORMATION

Name CK 138 LLC
Address 300 Galleria Parkway SE, Suite 200
City Atlanta
State GA Zip 30339
Email Chris.Poholek@childressklein.com
Phone 404.386.1215

AGENT(S) (if applicable)

Name Dakota Carruthers
Parker Poe Adams and Bernstein, LLP
Address 1075 Peachtree Street NE, Suite 1500
City Atlanta
State GA Zip 30309
Email dakotacarruthers@parkerpoe.com
Phone 678.690.5710

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: Maria Binns Date: 09/09/25

DATE OF PLANNING COMMISSION HEARING: November 6, 2025

DATE OF COUNTY COMMISSIONERS HEARING: December 11, 2025

Received from Parker Poe Adams & Bernstein LLP a check in the amount of \$ 350.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 09/10/25 Receipt Number: 025/52

PETITION No.: 1371-25 Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 1306 023 Acreage: 15.733
Land District(s): 13 Land Lot(s): 198
Road Name/Frontage L.F.: SR 138 Road Classification: Arterial
Existing Use: Vacant Proposed Use: Retail / Self-Storage
Structure(s): _____ Type: Outdoor Access Self-Storage Size in SF: 32,500sf (4 structures)
Existing Zoning: R-40 Proposed Zoning: CH
Existing Land Use: Land Use Plan GB Proposed Land Use: Land Use Plan GB
Water Availability: _____ Distance to Water Line: Parcel 1306 1 28 Distance to Hydrant: _____

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:
CK 138 LLC

(Please Print)

Property Tax Identification Number(s) of Subject Property: 1306 023

(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) 198 of the 13 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 15.733 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

Dakota Carruthers and Ellen W. Smith,
(I) (We) hereby delegate authority to Parker Poe Adams and Bernstein, LLP 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.

CK 138 LLC, a Georgia limited liability company
By: Childress Klein Properties, Inc., its Manager

(I) By: Christopher D. Poholek

Christopher D. Poholek, Vice President

300 Galleria Parkway, Suite 200
Atlanta, GA 30339

Address

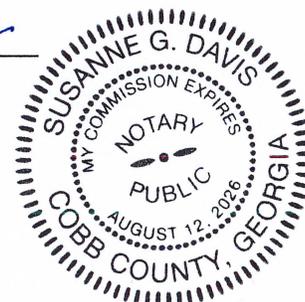
Susanne G. Davis

Signature of Notary Public

Susanne G. Davis

Date

August 26, 2025



PETITION No.: 1371-25

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: CK 138 LLC

ADDRESS: 300 Galleria Parkway SE, Atlanta, GA 30339

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

Chris Poholek affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) _____ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 400 to cover all expenses of public hearing. He/She petitions the above named to change its classification to Commercial Highway

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 November 6, 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of December 11, 2025 at 2:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26th DAY OF August, 2025

CK 138 LLC, a Georgia limited liability company

By: Childress Klein Properties, Inc., its Manager

By: [Signature]

Christopher D. Poholek, Vice President

[Signature]

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, CK 138 LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along SR 138 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, 2025.

CK 138 LLC, a Georgia limited liability company
By: Childress Klein Properties, Inc., its Manager

By: Christopher D. Poholek

Christopher D. Poholek, Vice President

Susanne G. Davis

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".
 [X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
 [] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 26th day of August, 20 25.

CK 138 LLC, a Georgia limited liability company, By: Childress Klein Properties, Inc., its Manager

By: 

Christopher D. Poholek, Vice President

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.



Dakota Carruthers

t: 678.690.5710
f: 404.869.6972
dakotacarruthers@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

September 9, 2025

Via Hand Delivery
Via Email [dbell@fayettecountyga.gov]

Deborah Bell
Director, Planning and Zoning
Fayette County, GA
140 Stonewall Avenue West, Suite 202
Fayetteville, Georgia 30214

Re: Rezoning Application ("**Application**") by CK 138, LLC ("**Applicant**") with respect to approximately 15.73 acres commonly known as 2290 Highway 138, Fayette County, Georgia, Fayette County Tax Parcel Number 1306 023 (the "**Property**")

Letter of Intent

Dear Debbie:

This law firm has the pleasure of representing Applicant with respect to the Application. Applicant respectfully submits for consideration the Application, seeking a rezoning of the Property from the R-40 single-family residential district to the C-H Highway Commercial district¹ to allow for the development of the Property with a self-storage facility and future retail.

Background and Existing Zoning

The Property is an approximately 15.73 acre currently unimproved parcel. Applicant acquired the Property in 2021, along with the neighboring parcel (tax parcel 1306 128), previously one 22 acre parent parcel (the "**Parent Parcel**"). Applicant first identified the Parent Parcel as a prime location for a self-storage facility, and worked with the County to obtain text amendments to The Zoning Ordinance of Fayette County, Georgia, as amended from time to time (the "**Ordinance**"), which were passed by the Fayette County Board of Commissioners on March 25, 2021, to allow for a mix of type of self-storage facility to be located within certain zoning districts and with varying architectural and design controls. Following the ordinance amendment, Applicant rezoned the neighboring parcel and subsequently developed it as a multi-building self-storage facility with internal and external access.

¹ If the Application is approved, Applicant will still need to apply for and obtain administrative approval from the County for the self-storage facility conditional use of the Property.

Fayette County
September 9, 2025
Page 2

Applicant intends to develop the Property for an expansion of the single-level external access units and RV parking at the rear of the property, as shown on the concept plan submitted with this Application. 2.285 acres of the property, against Highway 138 will be left undisturbed and marketed for retail use. The existing zoning of the Property is R-40, and is located within the SR138 and North SR314 Overlay Zone of the County's Transportation Corridor Overlay Zone. The Property is designated as General Commercial designation on the County's comprehensive plan future land use map. Parcels immediately to the west and south of the Property is zoned R-40 and several of the parcels to the east of the Property across Highway 314 are zoned CC and C-H. Directly across Highway 138 to the north are properties in Clayton County, all of which are zoned General Business.

Proposed Rezoning

As the County has seen in the past couple of years, this is a rapidly growing sector and Applicant has strategically positioned themselves as a leader in the rapidly expanding self-storage sector across the Southeast. Applicant has developed a multitude of properties and now manages 7 self-storage facilities totaling just under 1 million square feet.

The proposed self-storage facility, as more particularly shown on the concept plan included with the Application, will meet all of the Ordinance requirements for self-storage facilities without variance. Specifically, the development will include expansion of the existing external access storage buildings with four new buildings totaling roughly 34,000 square feet and approximately 50 RV storage spaces to accommodate demand. Approval of the application would activate a now vacant property, allow for a future retail serving use along a highway corridor while screening the low intensity self-storage use at the rear yard. Exterior elevations for the proposed self-storage will match those of the existing buildings at the neighboring developed property and Applicant will meet all of the other design criteria specified in the Ordinance as applicable to self-storage facilities, including those architectural standards included in the Transportation Corridor Overlay Zone.

The Application meets the standards for rezoning as set forth in Ordinance Section 110-300, and an analysis of the four (4) factors that Planning and Zoning Department, the Planning Commission and the Board of Commissioners shall consider when evaluating the Application reveals that the Application should be granted. Specifically, as outlined above, the Application is in conformity with the Comprehensive Plan Future Land Use Map and policies contained therein. Additionally, the self-storage facility use of the Property is a relatively low intense use of Property, placing minimal demands on parking, hours of operation, and infrastructure needs (for example, the Property does not have access to public sewer; instead, low occupancy levels mean septic service is sufficient). Moreover, there is no impact on neighboring schools.

Application Requirements

Pursuant to Article IX of the Ordinance, Applicant seeks to rezone the Property² as described above and, in support of the Application, Applicant submits the following (one of each unless otherwise indicated):

² Applicant notifies Fayette County of its constitutional concerns with respect to its Application. If the Fayette County Board of Commissioners (the "**Board**") denies the Application in whole or in part, then the Property does not have a

Fayette County
 September 9, 2025
 Page 3

1. Signed Application form with applicable and required attachments.
2. A metes and bounds legal description of the Property.
3. Survey.
4. Deed.
5. Concept plan.
6. This Letter of Intent.
7. Application fee in the amount of \$350.00.

The Application, including this Letter of Intent, support Applicant's request for rezoning. Applicant respectfully requests that the Planning and Zoning Department (the "**Department**") recommend approval of the Application to the Planning Commission and the Board of Commissioners. Applicant is happy to answer questions or provide any additional information that the Department and the County may have with regard to this Application.

Sincerely,



Dakota Carruthers
 Entitlements Manager

DC/dc/ews

cc: Chris Poholek
 Ellen W. Smith, Esq.

reasonable economic use under the Fayette County Zoning Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Applicant and Owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than GB or with conditions not requested by Applicant, and either without Applicant's consent, then such approval would deprive Applicant and Owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Fayette County Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and Owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's and Owner's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Nevertheless, Applicant remains optimistic that Fayette County's consideration of the Application will be conducted in a constitutional manner.



Print #231014905
Date: 10/14/23
Lat/Lon: 33.549843 -84.451700
Order No. 77312
Aerial Photography, Inc. 954-568-0484



CK Hwy 138





Print #231014906
Date: 10/14/23
Lat/Lon: 33.549843 -84.451700
Order No. 77312
Aerial Photography, Inc. 954-568-0484



CK Hwy 138

 **Shamrock**
Building Systems, Inc.

PPAB 12783513v1



Print #231014907
Date: 10/14/23
Lat/Lon: 33.549843 -84.451700
Order No. 77312
Aerial Photography, Inc. 954-568-0484



CK Hwy 138



Type: WD
Recorded: 7/1/2021 8:06:00 AM
Fee Amt: \$850.00 Page 1 of 9
Transfer Tax: \$825.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 3646931975

BK 5314 PG 538 - 546

After recording please return to:

Ryan C. Pulley, Esq.
Holt Ney Zatcoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

Parcel ID: 1306 023

GENERAL WARRANTY DEED

THIS INDENTURE is made as of the 30th day of June, 2021, among **JOSEPH SCOTT WOOD, ERNEST R. WOOD, YANCEY LEE WOOD, GAYLA EVONNE BLIZZARD aka GAYLA YVONNE BLIZZARD**, and **WAYNE H. WOOD**, each an individual resident of the State of Georgia (collectively, "**Grantor**") and **CK 138, LLC**, a Georgia limited liability company ("**Grantee**") (the words "Grantor" and "Grantee" include all genders, plural and singular, and 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 No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract of land in Fayette County, Georgia, described on Exhibit A attached hereto and made a part hereof (the "**Property**").

TO HAVE AND TO HOLD the said Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE absolute forever. Grantor will warrant and forever defend the right and title to the Property unto the said Grantee against the lawful claims of all persons whomsoever, except for those matters set forth in Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has caused this General Warranty Deed to be signed, sealed and delivered as of the day and year first above written.

[Signature]
Unofficial Witness

Joseph Scott Wood (SEAL)
Joseph Scott Wood

[Signature]
Notary Public
Commission Expires: 5-7-2024
GAIL M. BROWN
NOTARY PUBLIC
GEORGIA
MAY 7, 2024
COBB COUNTY, GA
(NOTARY SEAL)

[Signature]
Unofficial Witness

Wayne H. Wood (SEAL)
Wayne H. Wood, as Attorney in Fact for Ernest R. Wood pursuant to that certain Georgia General Durable Power of Attorney dated December 3, 2020 and attached hereto as **Exhibit C**

[Signature]
Notary Public
Commission Expires: 5/7/24
GAIL M. BROWN
NOTARY PUBLIC
GEORGIA
MAY 7, 2024
COBB COUNTY, GA
(NOTARY SEAL)

[Signature]
Unofficial Witness

Yancy Lee Wood (SEAL)
Yancy Lee Wood

[Signature]
Notary Public
Commission Expires: 5/7/24
GAIL M. BROWN
NOTARY PUBLIC
GEORGIA
MAY 7, 2024
COBB COUNTY, GA
(NOTARY SEAL)

[Signature]
Unofficial Witness

Gayla Evonne Blizzard (SEAL)
Gayla Evonne Blizzard aka Gayla Yvonne Blizzard

[Signature]
Notary Public
Commission Expires: 5/7/24
GAIL M. BROWN
NOTARY PUBLIC
GEORGIA
MAY 7, 2024
COBB COUNTY, GA
(NOTARY SEAL)

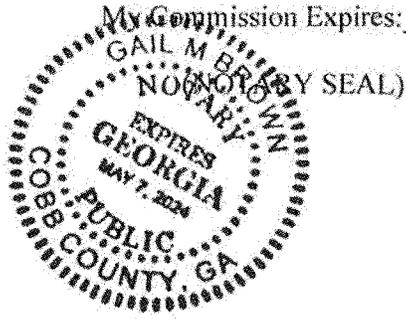
[Signature]
Unofficial Witness

[Signature]
Unofficial Witness

Wayne H Wood (SEAL)
Wayne H. Wood

[Signature]
Notary Public

My Commission Expires: 5-7-24



**DESCRIPTION OF PROPERTY
TRACT 2**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 198 OF THE 13TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO REACH THE POINT OF BEGINNING, **COMMENCE** FROM THE NORTHWESTERLY MOST POINT OF A MITERED RIGHT OF WAY INTERSECTION, FORMED BY THE WESTERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 314, ALSO KNOWN AS FAYETTEVILLE ROAD, (A 117 FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY), THENCE PROCEED ALONG THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY) THE FOLLOWING COURSES AND DISTANCES:

- 1) NORTH 89°32'14" WEST, A DISTANCE OF 393.50 FEET TO AN IRON PIN FOUND (1/2 INCH REBAR);
- 2) THENCE NORTH 89°40'10" WEST FOR A DISTANCE OF 368.41 FEET TO THE **TRUE POINT OF BEGINNING**.

FROM THE **POINT OF BEGINNING** THUS ESTABLISHED, THENCE DEPART THE AFORESAID SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138, AND PROCEED SOUTH 00°19'50" WEST, A DISTANCE OF 540.90 FEET TO AN IRON PIN PLACED (1/2 INCH REBAR W/CAP); THENCE SOUTH 27°35'34" EAST FOR A DISTANCE OF 392.89 FEET TO AN IRON PIN PLACED (1/2 INCH REBAR W/CAP); THENCE SOUTH 10°01'47" WEST FOR A DISTANCE OF 80.29 FEET TO A POINT ON THE CENTERLINE OF A DITCH; THENCE PROCEED ALONG THE CENTERLINE OF A DITCH, SAID CENTERLINE OF DITCH BEING THE TRUE PROPERTY LINE, THE FOLLOWING COURSES AND DISTANCES:

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- 4) THENCE SOUTH 11°21'43" WEST FOR A DISTANCE OF 19.06 FEET TO A POINT;
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 2) THENCE 65.77 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2814.85 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 89°39'41" EAST, 65.77 FEET TO A POINT;
 3) THENCE SOUTH 89°40'10" EAST FOR A DISTANCE OF 73.61 FEET TO THE **TRUE POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING 15.73365 ACRES, OR 685,358 SQUARE FEET.

B6 Fayette County News

Continued from page B5

PETITION FOR REZONING CERTAIN PROPERTIES IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, December 4, 2025, at 7:00 P.M. and before the Fayette County Board of Commissioners on Thursday, January 22, 2025, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.
Petition No: 1371-25
Parcel No: 1306 023
Owner: CK 138, LLC
Agent(s): Dakota Carruthers
Zoning District: R-40
Area of Property: 15.73365 acres
Land Lot(s)/District: Land Lot 198 of the 13th District
Fronts on: Highway 138
Proposed: Applicant proposes the following: To rezone Parcel No. 1306 023, consisting of 15.73365 acres, from R-40 (Single-Family Residential) to C-H (Highway Commercial).

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

DESCRIPTION OF PROPERTY

TRACT 2

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 198 OF THE 13TH DISTRICT OF FAYETTE COUNTY, GEORGIA. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO REACH THE POINT OF BEGINNING, COMMENCE FROM THE NORTHWESTERLY MOST POINT OF A MITERED RIGHT OF WAY INTERSECTION, FORMED BY THE WESTERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 314, ALSO KNOWN AS FAYETTEVILLE ROAD, (A 117 FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY), THENCE PROCEED ALONG THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY) THE FOLLOWING COURSES AND DISTANCES: (1) NORTH 89°32'14" WEST, A DISTANCE OF 393.50 FEET TO AN IRON PIN FOUND (1/2 INCH REBAR); (2) THENCE NORTH 89°40'10" WEST FOR A DISTANCE OF 368.41 FEET TO THE TRUE POINT OF BEGINNING. FROM THE POINT OF BE-

THUS ESTABLISHED, THENCE DEPART THE AFORESAID SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138, AND PROCEED SOUTH 00°19'30" WEST, A DISTANCE OF 540.90 FEET TO AN IRON PIN PLACED (1/2 INCH REBAR W/CAP); THENCE SOUTH 27°35'34" EAST FOR A DISTANCE OF 392.89 FEET TO AN IRON PIN PLACED (1/2 INCH REBAR W/CAP); THENCE SOUTH 10°01'47" WEST FOR A DISTANCE OF 80.29 FEET TO A POINT ON THE CENTERLINE OF A DITCH; THENCE PROCEED ALONG THE CENTERLINE OF A DITCH, SAID CENTERLINE OF DITCH BEING THE TRUE PROPERTY LINE, THE FOLLOWING COURSES AND DISTANCES:

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FEET TO A POINT;

Wednesday, November 12, 2025

- 20) THENCE SOUTH 37°21'16" WEST FOR A DISTANCE OF 72.43 FEET TO A POINT;
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- SAID TRACT OR PARCEL CON-

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

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on Thursday, January 22, 2026, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No: 1371-25

Parcel No: 1306 023

Owner: CK 138, LLC

Agent(s): Dakota Carruthers

Zoning District: R-40

Area of Property: 15.73365 acres
Land Lot(s)/District: Land Lot 198 of the 13th District

Fronts on: Highway 138

Proposed: Applicant proposes the following: To rezone Parcel No. 1306 023, consisting of 15.73365 acres, from R-40 (Single-Family Residential) to C-H (Highway Commercial).

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

DESCRIPTION OF PROPERTY

TRACT 2

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SAID TRACT OR PARCEL CONTAINING 15.73365 ACRES, OR 685,358 SQUARE FEET

12/17

facility would be comprised of six buildings. Ms. Princes briefly overviewed the request for the Board and stated that she was available for questions.

Chris Palholic of Atlanta stated that he worked for the development company for over 30 years and wanted to attest to the workmanship of the facility. He highlighted that they took pride in their buildings, the landscaping, customer service and viewed security as a priority.

Bobby Farrell President of the North Fayette Community Association stated that they were in favor of the project.

No one spoke in opposition.

Mr. Frisina stated that there was one condition that the single-story external access storage structures be to the rear of the multi-story external access storage structure as depicted on the concept plan.

Ms. Prince on behalf of the applicant accepted the condition.

Commissioner Maxwell asked if the facility operated on a septic or sewage system.

Mr. Palholic stated that it could be built using a septic system.

Commissioner Maxwell also asked about water resources and if the property was on a well or if County water was available.

Mr. Palholic stated that water was available.

Commissioner Maxwell asked where the septic system would be located.

Mitchell Taylor with the development company stated that three locations on the property had been tested for placement of the septic system. He continued that a definite location had not been selected and identified at this point in the project.

Vice Chairman Gibbons moved to approve Petition No.1305-21, Wayne H. Wood, Joseph Scott Wood, Yancy Lee Wood, Ernest R. Wood and Gayle Evonne Blizzard, Owners, and CK Spacemax LLC/Ellen W. Smith, Esq., Agent, request to rezone 6.7187 acres from R-40 to C-H to develop a self-storage facility; property located in Land Lot 198 of the 13th district and fronts State Route 138. Commissioner Rousseau seconded motion. The motion passed 5-0.

4. Consideration of Petition No. 1306-21, William Kelvin Little, Executor, Golden Development Co, LLC, Owner, and Carrie Guthrie, Agent, request to rezone 1.82 acres from R-20 and O-I to develop office uses; property located in Land Lot 125 of the 5th district and fronts State Route 54 West.

Commissioner Oddo advised the Board that his family firm had a working relationship the previous owners of the property, however this would not cause a conflict of interest in him voting on the item.

Carrie Guthrie the property Agent stated that the request was to rezone 1.82 acres from R-20 and O-I.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Petition No. 1306-21, William Kelvin Little, Executor, Golden Development Co, LLC, Owner, and Carrie Guthrie, Agent, request to rezone 1.82 acres from R-20 and O-I to develop office uses; property located in Land Lot 125 of the 5th district and fronts State Route 54 West. Chairman Hearn seconded. The motion passed 5-0.

ORDINANCE NO. 1305-21

APPLICANT: WAYNE H. WOOD, JOSEPH SCOTT WOOD, YANCY LEE WOOD, ERNEST R. WOOD AND GAYLE EVONNE BLIZZARD
OWNER: WAYNE H. WOOD, JOSEPH SCOTT WOOD, YANCY LEE WOOD, ERNEST R. WOOD AND GAYLE EVONNE BLIZZARD
AGENT: CK Spacemax LLC/ Eilen W. Smith, Esq.
CHANGE: R-40 to C-H
DATE: May 27, 2021
STATUS: APPROVED WITH ONE (1) CONDITION

An ordinance to amend the Zoning Ordinance for Fayette County of 1980 by augmenting the R-40 Zoning District of Fayette County, as shown by the Official Zoning Map of Fayette County.

BE IT RESOLVED AND ORDAINED by the Fayette County Board of Commissioners:

Section 1: That the Official Zoning Ordinance for Fayette County, Georgia, of 1980, and the same is hereby changed and amended so as to include within the C-H zoning District of Fayette County, the following described realty:

All that tract or parcel of land of the above-shown applicant or his principal located in Land Lot(s) 198 of the 13th District and fronts on State Route 138, particularly described on Exhibit "A" attached hereto and incorporated, being initialed by the Zoning Administrator of Fayette County.

Section 2: That so much of said Zoning Ordinance for Fayette County, Georgia, of 1980 and the Official Zoning Map designating said realty as included within the R-40 Zoning District of Fayette County, and all other parts of said ordinance in conflict herewith be, and the same are, hereby repealed.

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

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

DULY Approved by the Board of Commissioners of Fayette County regularly convened this 27TH day of May 2021. The decision of the Board was to APPROVE rezoning to C-H with one (1) condition (Exhibit "B").

For: [Signature]
Lee Hearn, Chairman

For: [Signature]
Edward Gibbons, Vice Chairman

For: [Signature]
Charles D. Rousseau, Commissioner

For: [Signature]
Charles W. Oddo, Commissioner

For: [Signature]
Eric K. Maxwell, Commissioner

Attest: [Signature]
Aimeca P. Smith, County Clerk



Legal Description

TRACT 1 ~ 2290 HIGHWAY 138 MINOR SUBDIVISION PLAT

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 198 OF THE 13TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO REACH THE POINT OF BEGINNING, COMMENCE FROM THE NORTHWESTERLY MOST POINT OF A MITERED RIGHT OF WAY INTERSECTION, FORMED BY THE WESTERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 314, ALSO KNOWN AS FAYETTEVILLE ROAD, (A 117 FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY), THENCE PROCEED ALONG THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY) NORTH 89°32'14" WEST, A DISTANCE OF 393.50 FEET TO AN IRON PIN FOUND (1/2" REBAR) AND POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS ESTABLISHED; THENCE DEPART THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY) SOUTH 00°01'47" WEST FOR A DISTANCE OF 602.29 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 41°54'03" WEST FOR A DISTANCE OF 259.01 FEET TO A POINT; THENCE SOUTH 10°01'47" WEST FOR A DISTANCE OF 93.32 FEET TO A POINT; THENCE NORTH 33°14'03" WEST FOR A DISTANCE OF 399.57 FEET TO A POINT; THENCE NORTH 00°01'47" EAST FOR A DISTANCE OF 555.11 FEET TO AN IRON PIN PLACED (1/2" REBAR) ON THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY); THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE TO GEORGIA HIGHWAY 138 (A 100 FOOT RIGHT OF WAY) SOUTH 89°40'10" EAST FOR A DISTANCE OF 408.26 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 6.71870 ACRES, OR 292,666 SQUARE FEET.

ONE (1) CONDITION

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

1. That the single-story external access storage structures shall be to the rear of the multi-story internal access structure as depicted on the concept plan.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1372-25-A, 1246 Hwy. 314 Fayette Co LLC, Owner; Randy Boyd, Agent, requests to rezone 45.412 acres from R-40 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot(s) 219 of the 13th District & fronts Highway 314 North. This item was tabled at the January 22, 2026 Board of Commissioners meeting.

Background/History/Details:

The lot is a legal lot and will meet or exceed the requirements of the A-R zoning district. The Future Land Use Map designates this area as Low Density Residential, which has a 1-acre minimum parcel size. Since A-R is less dense, requiring a 5-acre minimum lot, the request to rezone to A-R is appropriate & consistent with the Future Land Use Map & Comprehensive Plan as a less intense use. The companion parcel in this rezoning does not meet the min. lot size for A-R, so staff recommends **CONDITIONAL APPROVAL** of the request to rezone to A-R, subject to the following: 1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.

On December 4, 2025, the Planning Commission voted 5-0 to recommend DENIAL of the request to rezone to A-R, Agricultural-Residential. John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.

This request was tabled at the January 22, 2026, meeting due to a lack of a full board.

What action are you seeking from the Board of Commissioners?

Consideration of a Petition 1372-25-A, 1246 Hwy. 314 Fayette Co LLC, Owner; Randy Boyd, Agent, requests to rezone 45.412 acres from R-40 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot(s) 219 of the 13th District & fronts Highway 314 North.

If this item requires funding, please describe:

No funding is required for this request.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1372-25-B, 1246 Hwy. 314 Fayette Co LLC, Owner; Randy Boyd, Agent, requests to rezone 4.738 acres from R-40 (Single-Family Res) to A-R (Agricultural-Residential); property located in Land Lot(s) 219 of the 13th District and fronts Highway 314 North. This item was tabled at the January 22, 2026 Board of Commissioners meeting.

Background/History/Details:

The lot is a legal lot but does not meet the minimum lot size for the A-R zoning district. Therefore, a condition is recommended to resolve this issue. The Future Land Use Map designates this area as Low Density Residential, which has a 1-acre minimum parcel size. Since A-R is less dense, requiring a 5-acre minimum lot, the request to rezone to A-R is appropriate & consistent with the Future Land Use Map & Comprehensive Plan as a less intense use. Staff recommends **CONDITIONAL APPROVAL** of the request to rezone to A-R, subject to the following: 1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.

On December 4, 2025, the Planning Commission voted 5-0 to recommend **DENIAL** of the request to rezone to A-R, Agricultural-Residential. John Culbreth, Sr., made the motion to **DENY** Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.

This request was tabled at the January 22, 2026, meeting due to a lack of a full board.

What action are you seeking from the Board of Commissioners?

Consideration of Petition 1372-25-B, 1246 Hwy. 314 Fayette Co LLC, Owner; Randy Boyd, Agent, requests to rezone 4.738 acres from R-40 (Single-Family Res) to A-R (Agricultural-Residential); property located in Land Lot(s) 219 of the 13th District and fronts Highway 314 North.

If this item requires funding, please describe:

No funding is required for this request.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1372-25-A

REQUESTED ACTION: A. Rezone Parcel No.1306-011 (45.412 acres) from R-40 (Single-Family Residential) to A-R (Agriculture-Residential); this parcel is labeled as Tract I in the attached survey.

PROPOSED USE: Single-Family Residential and A-R Wedding/Event Facility

EXISTING USE: Single-Family Residential and Agricultural

LOCATION: Hwy 314 N

DISTRICT/LAND LOT(S): 13th District, Land Lot 219

ACREAGE: 45.412 acres

OWNER(S): 1246 Hwy 314 Fayette Co LLC

APPLICANT(S): 1246 Hwy 314 Fayette Co LLC

AGENT(S): Randy Boyd

PLANNING COMMISSION PUBLIC HEARING: December 4, 2025, 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: February 26, 2026, at 5:00 PM (Tabled from the January 22, 2026, BOC meeting due to a lack of a full board.)

APPLICANT'S INTENT

The applicant proposes to rezone two parcels, with a total of 50.15 acres, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential) for the purposes of use as a single-family residence and for operating an A-R Wedding/Event Venue.

Petition 1372-25-A is a request to rezone Parcel No. 1306-011, 45.412 acres, from R-40 to A-R. **STAFF**

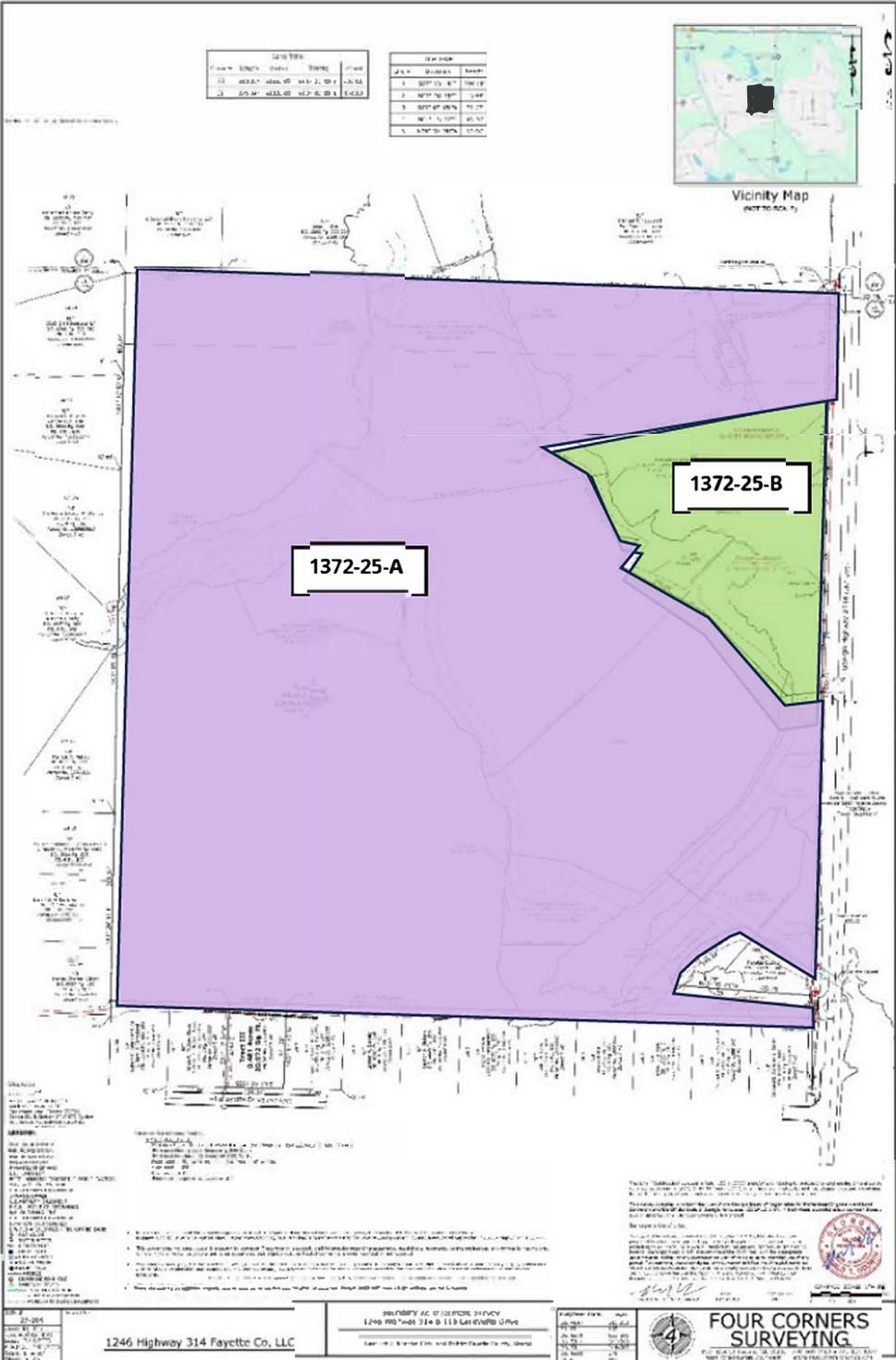
RECOMMENDATION

As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Low Density Residential is designated for this area, so the request for A-R zoning, which is a lower density district, is appropriate. Parcel 1306-117 does not meet the minimum lot size for the A-R zoning. Therefore, a condition is recommended to ensure it is combined with the larger parcel, which will resolve this issue. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of A-R, Agricultural-Residential, subject to the following:

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within **1372-25-A** 30 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.

PLANNING COMMISSION RECOMMENDATION

On December 4, 2025, the Planning Commission voted unanimously to recommend **DENIAL** of the request. John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.



INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

Petition No. 1372-25-A - Parcel 1306 011 is a legal lot. The parcel and the existing house meet or exceed the requirements of the A-R zoning district.

Petition No. 1372-25-B - Parcel 1306 117 is a legal lot in the R-40 zoning district. It does not contain the required minimum acreage for the A-R zoning district (5.0 acres). Therefore, staff has added the condition that it be combined with Parcel 1306 011, which will make the project fully compliant with A-R zoning criteria. Staff has reviewed this condition with the applicant, and they agree to it.

The property has 1 single-family home and is otherwise used for agricultural purposes.

GDOT will review and approve access engineering & construction plans within their jurisdiction if the site is developed further. GDOT is in charge of all driveways on the State Route.

B. ZONING & DEVELOPMENT HISTORY:

The R-40 zoning was part of a blanket zoning approved in 1971.

This property is located in the General State Route Overlay Zone. All developments are required to meet the Overlay criteria. One requirement under this Overlay is that all access points for a development shall be on the State Route. The Overlay Zone also provides architectural, parking, enhanced landscaping requirements and increased building setbacks.

C. SURROUNDING ZONING AND USES

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

Direction	Acreage	Zoning	Use	Comprehensive Plan/Future Land Use Map
North	85; 60	G-B; R-40	Undeveloped; Single-Family Residential	General Business; Low Density residential
East (across Hwy 314)	100+	R-40	Single-Family Residential	Low Density Residential
West	100+	R-40	Single-Family Residential	Low Density Residential
South	100+	R-40	Single-Family Residential	Low Density Residential

D. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential uses on the Future Land Use Plan map. This request **DOES** conform to the Fayette County Future Land Use Plan, in that the proposed zoning is a less intense use.

E. DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objections to the rezoning.
- Public Works**
 - **Road Frontage Right of Way Dedication** – State Route 314 right of way governed by GDOT.
 - **Traffic Data** -- In 2023 GDOT reports State Route 314 had 10,400 vehicles per day north the intersection of Hwy 279.
 - **Sight Distance and access** -- GDOT will issue all driveway permits.
- Environmental Management**
 - **Floodplain Management** -- The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0019E dated September 26, 2008. The property **DOES** contain additional floodplain delineated in the Fayette County 2013 Limited Dewberry 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** state waters located on the subject property, and it **WILL BE** subject to the Fayette County Article VII Watershed Protection Ordinance. The owner should reference the various sections of the document prior to any development within buffered areas.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface, or as applicable if developed as an A-R Wedding/Event venue.
 - **Dams and Impoundment** -- Dickson Lake Dam located on the property requesting to be rezoned has been assessed by Georgia Department of Natural Resources EPD Safe Dams Program to be a Class 1, high hazard dam. Property owner(s) are required to meet all safe dam requirements by EPD Safe Dams Program.
 - **Landscape and Tree Replacement Plan** -- This development **WILL BE** subject to the landscaping requirements of the conditional use permit if developed as an A-R Wedding/Event Venue.
- Environmental Health Department** – This office has no objection to the proposed rezoning. This does not constitute approval of any future use or proposals for these properties.
- Fire** – The Fire Marshals Office approves of this rezoning under the condition that the proposed Bed and Breakfast meets the requirements of Fayette Count Ordinances Chapter 12, Article VI stating that such occupancies shall be protected by an automatic fire sprinkler system that provides coverage as per NFPA 13R throughout the entire structure.

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 Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the Land Use Plan as A-R is a less intense use than the Low Density Residential defined on the Future Land Use Plan.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal is not likely to have an adverse impact on nearby residential uses.
3. It is staff's opinion that an agricultural-residential use would not generate a greater number of daily vehicle trips than would a single-family residential use situated on this same parcel. Staff does not think this development will have an adverse impact on utilities or schools.
4. The proposal is consistent in character and use with the immediate surrounding uses, as these are medium to large lot residential uses, with a trend toward rural character.

ZONING DISTRICT STANDARDS

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

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

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

- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter);
- (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
- (4) Plant nurseries and greenhouses (no sales of related garden supplies);
- (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
- (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.

(c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:

- (1) Aircraft landing area;
- (2) Animal hospital, kennel or veterinary clinic;
- (3) A-R bed and breakfast inn;
- (4) A-R wedding/event facility;
- (5) Cemetery;
- (6) Church and/or other place of worship;
- (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
- (8) Commercial driving range and related accessories;
- (9) Child care facility;
- (10) Deer processing facility.
- (11) Developed residential recreational/amenity areas;
- (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
- (13) Golf course (minimum 18-hole regulation) and related accessories;
- (14) Home occupation;
- (15) Horse show, rodeo, carnival, and/or community fair;
- (16) Hospital;
- (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
- (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
- (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
- (21) Religious tent meeting; and
- (22) Shooting range, outdoor.

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

- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.
- (7) Building height.
 - a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.

(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)

Sec. 110-169. - Conditional use approval.

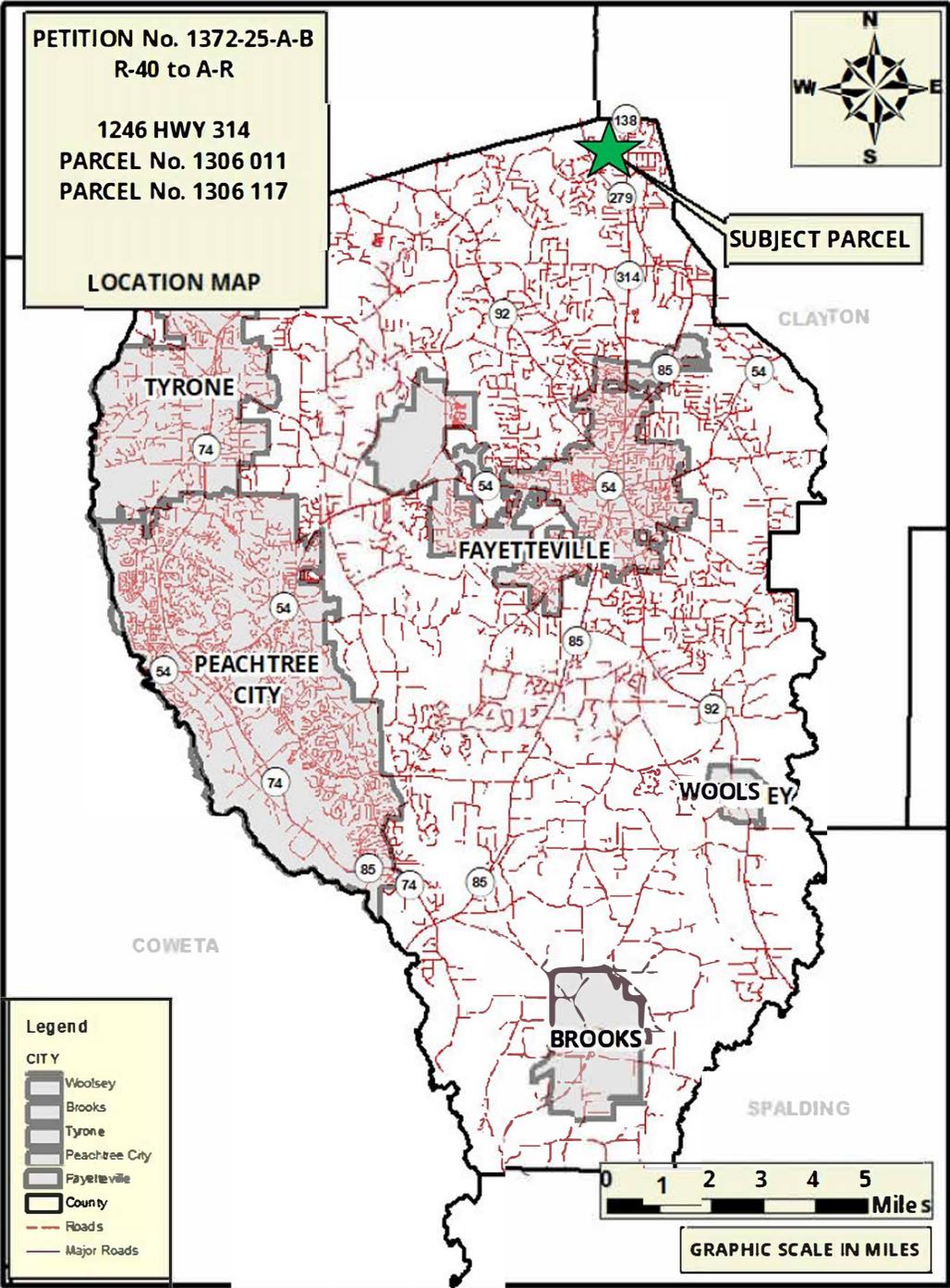
(2) Conditional uses allowed.

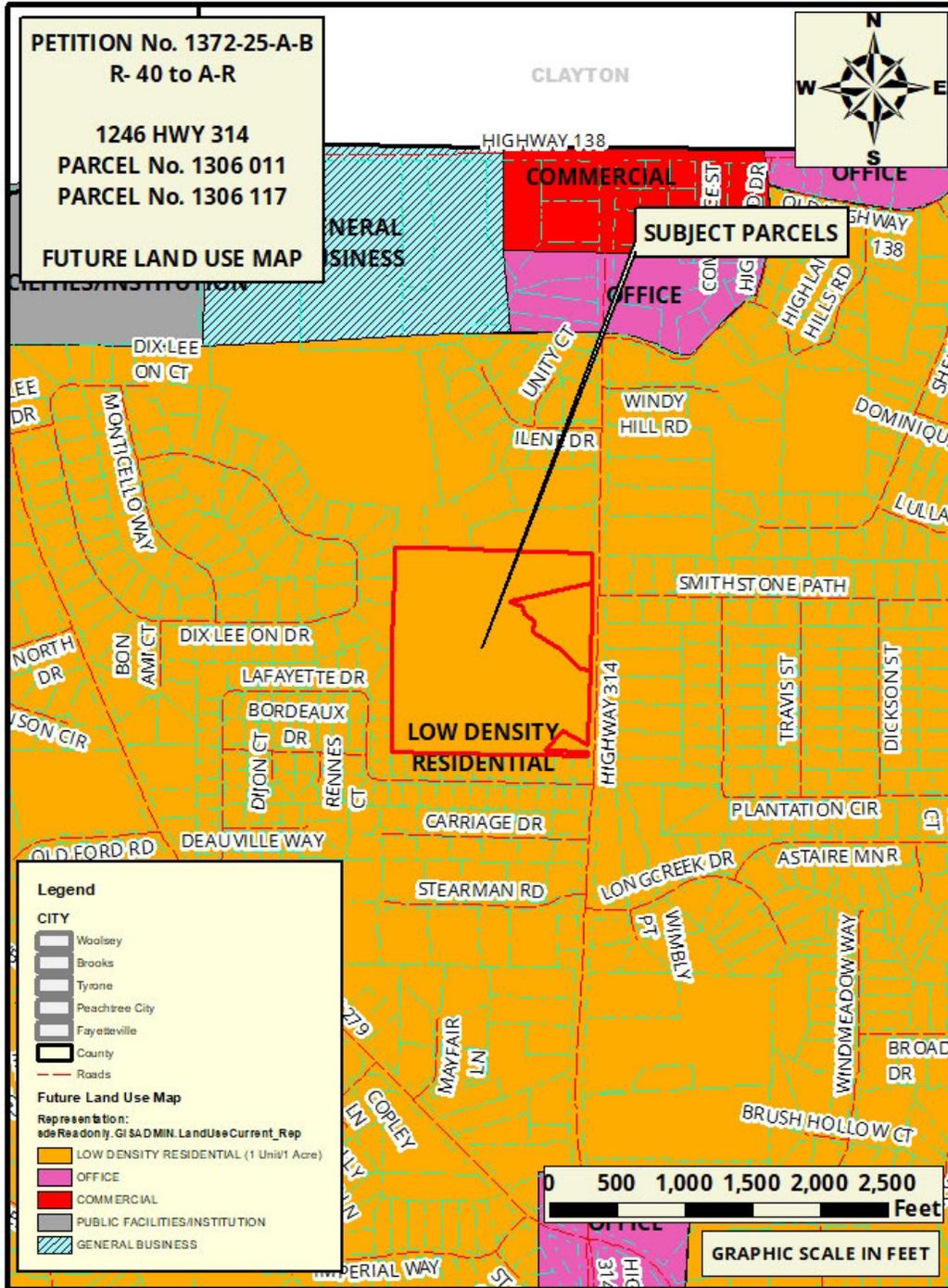
g. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as

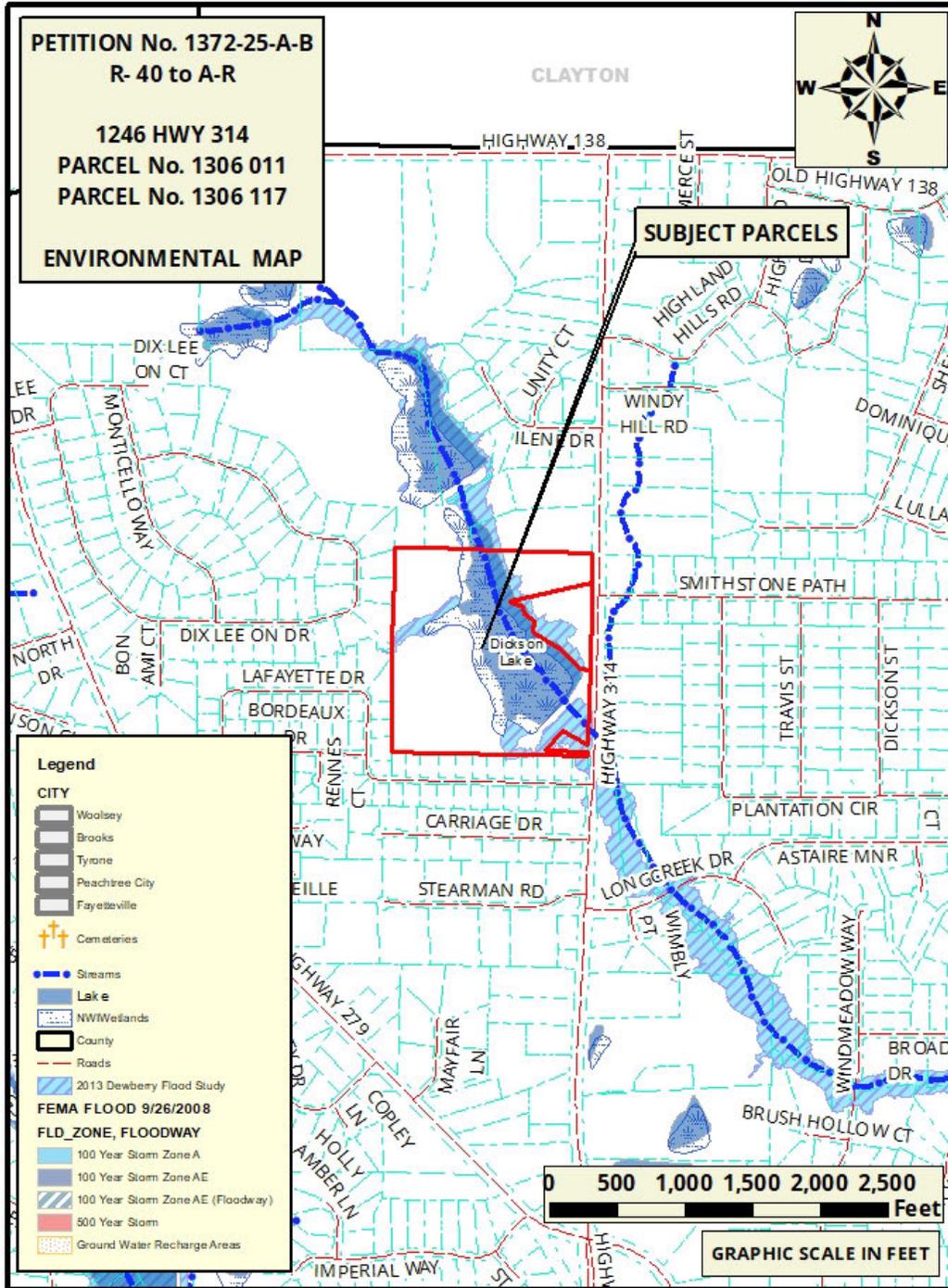
regulated in this article and this section and the most restrictive conditions shall apply. A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility. Allowed in the A-R zoning district.

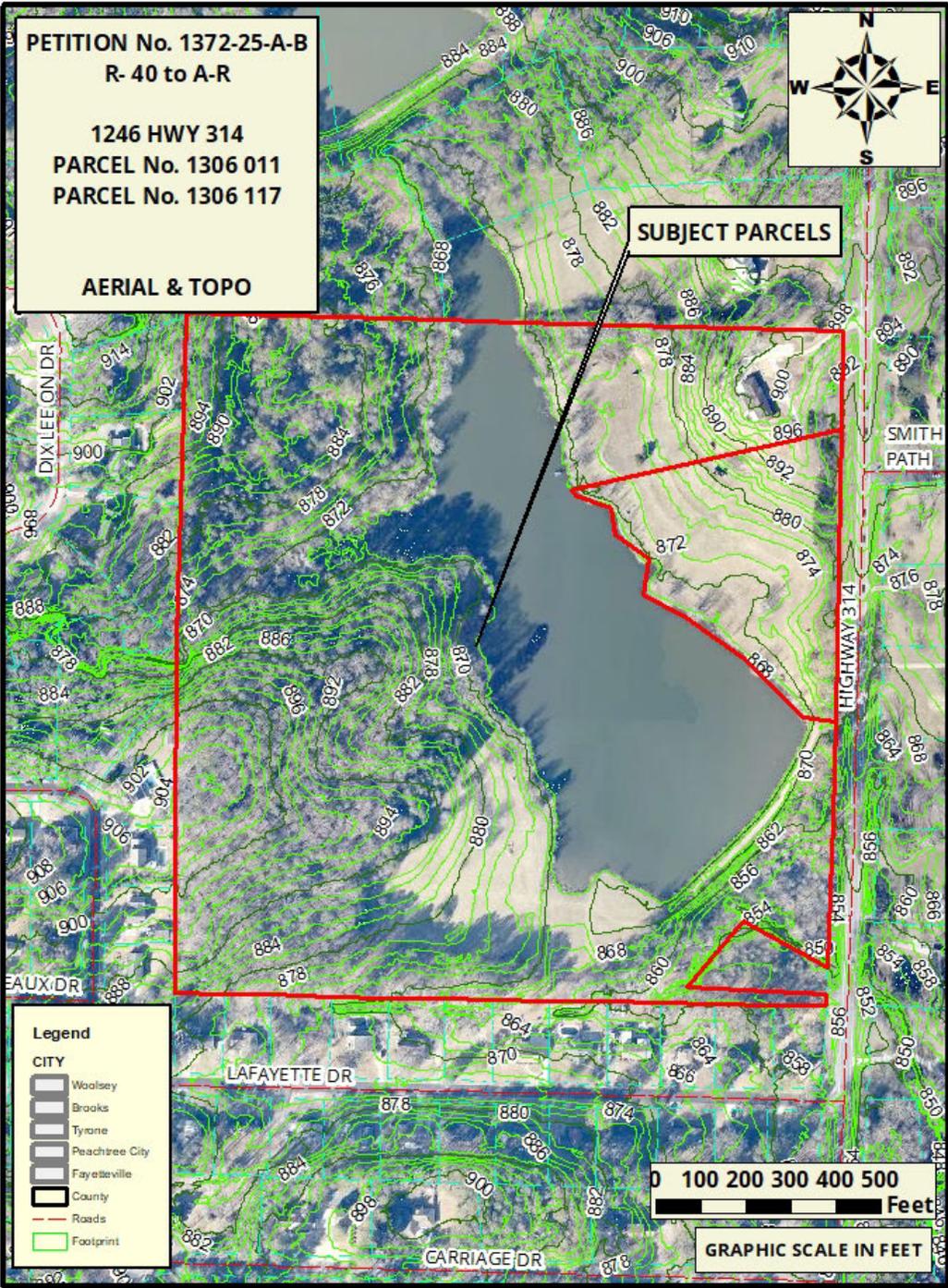
1. Minimum lot size: fifteen acres.
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.
 Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements," of the county development regulations.
6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized in association with weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the environmental health department.
9. Food service shall meet all state and local requirements.
10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with [section 110-169](#) and Article VI, pertaining to "Tourist Accommodations," of [Chapter 8](#) of the County Code.
11. Tents shall require county fire marshal approval, as applicable.

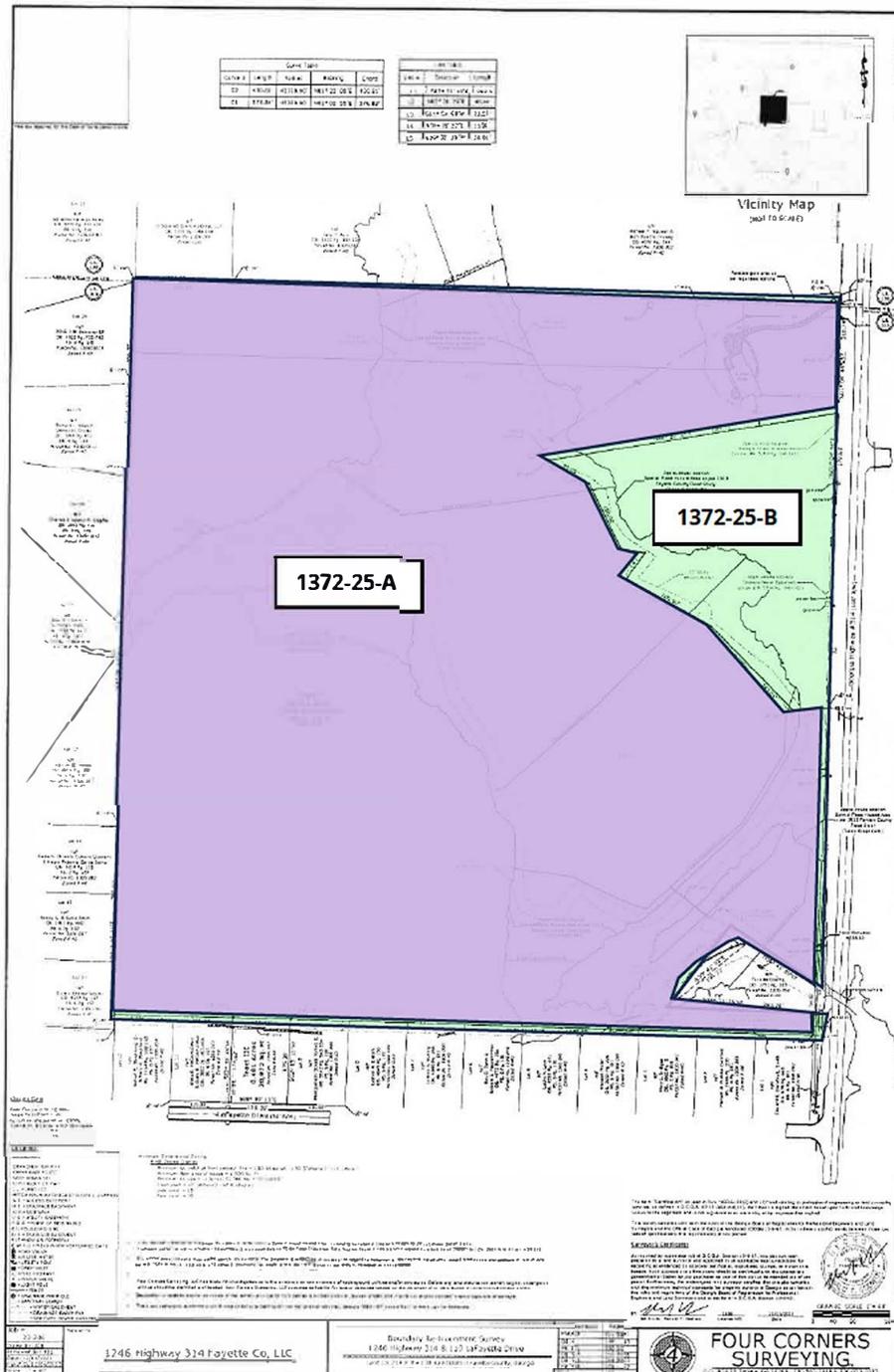
12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone ([Sec. 110-173](#)) with the exception of the architectural standards.











SURVEY

NOTE: Tract III is NOT part of this petition.

BOARD MEMBERS

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

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 04, 2025
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to change items number 7 and 8 (Petitions No. 1372-25-A and B) to number 1 and 2. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. *Consideration of Petition 1372-25-A, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.*

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. ***John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.***
3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. ***Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.***
4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road. ***Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0***
5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.***
6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.***
7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road. ***John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.***
8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138. ***Danny England made the motion to recommend APPROVAL of***

Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road. ***Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.***

10. Consideration of the Fayette County Planning Commission 2026 Calendar. ***John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.***

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

Meeting Minutes 12/04/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on December 4th, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to renumber items 7 and 8 (Petitions No. 1372-25-A and B) to 1 and 2, respectively. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0.*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. ***Consideration of Petition 1372-25-A***, 1246 Highway 314, Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Ms. Debbie Bell stated that items 1 and 2 (1372-25-A and 1372-25-B) are adjacent parcels for the same request, but they will require individual hearings. She read the description for both parcels and also mentioned the smaller lot is a legal nonconforming lot and, as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Low Density Residential is designated for this area, so the request for A-R zoning, which is a lower density district, is appropriate. Parcel 1306-117 (4.738 acres) does not meet the minimum lot size for the A-R zoning. Therefore, a condition is recommended to ensure it is combined with the larger parcel, which will resolve this issue. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends conditional approval of the request for a zoning of A-R, Agricultural-Residential: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first."

Chairman John Kruzan asked if the petitioner was present.

Mr. Randy Boyd, representative. – Explained, Mr. Hill asked him to represent him on this petition. He knew the petition was denied back in August and read a letter from Mr. Hill where he has previously sent it in response to one of the neighbors asking about the rezoning where he stated he was the owner of the property in question and he's a member of the North Fayette Homeowners Association, and wanted to rezone it to support a lower impact in the community such as licensed private fishing, small event wedding, and the use of the house as a bed and breakfast, and added will not exceed the allow parking spaces to manage traffic flow and preserve the neighborhoods area. The house was built in 1958, and they decided to sell it after the state required significant updates to the Lake Drainage System, a cost they couldn't afford, and they have already taken steps toward it.

Chairman Kruzan asked if anyone was in support of the petitions, with no response, then he asked if anyone was in opposition to come to the podium and speak.

Mr. Danny England asked staff what differences from the last time the board heard the petition back in August.

Ms. Bell responded that nothing has changed since the petitioner withdrew from the Board of Commissioners Meeting after the previous Planning Commission Meeting and re-applied.

Mr. England asked in the last meeting, staff recommendation was for denial, and now it's conditional approval. Is that correct?

Ms. Bell responded that the staff recommendation was for conditional approval at that time; nothing has changed since the last meeting.

Mr. England wanted to make sure he was not missing something; no other changes were made.

Ms. Gail Raby requested to denied both petitions, the surrounding neighborhoods had expressed their concerns back in August and opposed having a business at that address, believing it would increase the traffic in the area, and that becoming A-R zoning would bring a variety of businesses bringing a lot of noise something Mr. Xavier doesn't understands because he doesn't live in the community or the county. She stated that the properties in question have three access points (two from Highway 314 and one in LaFayette Estates), compromise someone getting hit while walking. Ms. Gail expressed her concerns about Mr. Hill selling parts of the property to other businesses with other uses and expressed what's happening right now with the big lights at the front of the property and mobile parties that, according to her, are causing a lot of discomfort and safety concerns. She asked the board to deny both petitions.

Ms. Marcelle English stated that she and her mother are opposed to this rezoning and expressed that neither Mr. Hill nor her mother resides within the property and stated that when he rents it to third parties, and potential uses under the A-R zoning where he has no control over security, trash, noise, or traffic, in reality, to run a business at that property.

Ms. Alice Jones mentioned she has remorse about the Rick Ross property, also A-R zoning and the impact within the community. Spoke about the traffic increase, getting in and out of the subdivisions, and being one of the founders of the North Fayette Community Association, where she thinks Mr. Hill has been in an appeal meeting for this proposal. Ms. Jones asked the board to deny both petitions.

Mr. Walter Metzger stated he has no problem developing the property for residential use. He resides across the street from Mr. Hill's property and mentioned he has several events, loud music that he can hear inside his house. He stated that if rezoned will come with different uses and you will still have the noise and more traffic that will bring the house's value down.

Ms. Tonya Conley questioned why we are still considering these petitions, explaining that she resides to the left of the properties and she mentioned that the noise is being heard and said someone from the previous meeting, from LaFayette, speaking about someone who put out signs about refurbishing the lake and the runoff that was to be expected in his subdivision, and to create an additional road.

Mr. William Walker spoke about his concerns with data center developments in the area, and he doesn't know if this property will become one.

Mr. Randy Boyd spoke in rebuttal and stated that the petitioner completely withdrawn the

previous request. He mentioned noise limits and under the current zoning (R-40), certain conditional uses can be developed, like a church, private school, etc., and will have an impact on traffic, likewise. He stated he had a very short time to research the property, and regarding the lake he stated it will have to be done by being categorized as a category one lake because if it fails, it will be a loss of life. Mr. Boyd called the board for approval for a less intense use.

Since there are two separate petitions (1372-25-A and 1372-25-B) for two different parcels that are adjacent to each other, the Board will need to hear two separate hearings for each request. The same opposition comments were stated by the residents whose names had previously been spoken.

Mr. Jim Oliver asked Mr. Randy Boyd if they had any problems with the conditions posted on the recommendation for each petition.

Mr. Boyd responded No.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Chairman Kruzan asked the board if they had any questions or comments, and if not, to proceed with a motion for petition 1372-25-B.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0

3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing.

Ms. Bell explained that under public hearings, the state changed the advertising requirements for variance two years ago, where the ads had to be run 30-45 days before a variance could be heard, and this new change from 15 but not more than 45 calendar days will make it easier to fit those advertisements into the agendas.

Mr. John Culbreth, Sr., asked staff if the state changed its rule.

Ms. Bell responded to certain things that zoning has to meet the state zoning procedure laws and the advertisements for rezonings, if one of those falls under different sections under O.C.G.A.'s and this will be brought into alignment with a recent amendment to the state code.

Chairman Kruzan asked if anyone wanted to speak in support or opposition to the

request, but with no response, he brought it back to the board for questions or a motion.

Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.

4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road.

Ms. Bell stated the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends approval of the request to rezone to A-R.

Ms. Laura Reagan stated that previously, they had requested a variance to build a running shelter on each of their fenced pastures and already had two horses. The main request for this new variance is for her to have more chickens.

Ms. Bell explained that the reading of the ordinance in the A-R zoning allows you to have horses, but you have to have ten acres to have a horse shelter.

Chairman Kruzan asked if anyone was in support or opposition of the request. No one responded, brought the item back to the board for questions, or made a motion.

Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0

5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Ms. Bell read both petitions' requests (1369-25-A and 1369-25-B) together since the parcels are adjacent parcels for the same request, but they will require individual hearings. Ms. Bell stated that the owner wanted to build a shelter for their horse and that the Comprehensive Plan's Future Land Use Plan in the A-R zoning is appropriate and recommends conditional approval: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first" for both parcels.

Chairman Kruzan asked if the petitioner was present.

Mr. McCotter stated was given a horse from the neighbor she couldn't take care of after the passing of her husband, and by combining both parcels, will resolve the issue.

Mr. Oliver asked the petitioner if he had any problems with the conditions that are required to comply with the conditional approval.

Mr. McCotter responded No.

Chairman Kruzan asked if anyone else wanted to speak in support or opposition of the petition, but no one responded. He brought the item back to the Board for questions or to make a motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.

6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Same petition from above, Ms. Bell read the description of this petition.

Chairman Kruzan asked if anyone was in support or opposition of the petition, with no answer, he brought the item back to the board for questions or motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.

7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road.

Ms. Bell read the description above and said the parcel is a legal lot of record and meets A-R zoning requirements, and is designated as Rural Residential-3, which has a 3-acre minimum. A request to rezone R-80 aligns with the Future Land Use Map and Comprehensive Plan. However, the existing house does not meet R-80 setback (21.88 feet instead of 30 feet) or minimum floor area (1724 square feet instead of 2500 square feet) requirements, but is a legal nonconforming structure. Staff recommends conditional approval for the rezoning, requiring the applicant to obtain a variance for the floor area or modify the house within 180 days before any final applications and to obtain a variance to the side yard setback in the R-80 or to modify the house within 180 calendar days pr before applying for any final plats or permits, whichever comes first.

Mr. Jean Allen stated the house was built years ago and everything was zoned A-R, and he wanted to get it rezoned to R-80.

Mr. Oliver asked the petitioner if he was okay with the conditions staff recommended. And if he wanted to rezone the property for himself?

Mr. Allen responded yes and said it was for family members.

With no further comments or questions from the Board they moved for a motion

John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.

8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138.

Ms. Bell stated that, as defined in the Fayette County Comprehensive Plan General Business Use is designated for this area and because the property is adjacent to C-H zoned properties and uses staff recommended approval for this rezoning to C-H, Highway Commercial.

Ms. Ellen Smith, representative with the law office of Parker Poe, explained that his client owns the self-storage next door to this parcel that was acquired in 2021 and got properly rezoned, its ninety-four leases; it's the third property owned by the same client, and would like to do the same project for this new petition, where the back side of the property will be additional self storage with some RV parking in the back and additional building at the front to shield that. She showed photos of the concept plan.

Mr. Chris Poholek added that when you are in front of the property, you can not see the self-storage part in the back, and it will have some retail uses at the front.

Chairman John Kruzan asked if anyone else was in support or opposition of the petition, with no response, he brought the item to the Board for questions.

Mr. John Culbreth, Sr., asked Ms. Smith if there was already an existing storage facility developed there.

Ms. Smith responded to the property that was originally a twenty-two-acre parcel and seven acres were developed in the adjacent parcel, stating they rezoned only that part and now they want the same with this petition.

Mr. Culbreth asked if it was the same owner.

Ms. Smith responded Yes.

Mr. Danny Englan asked if they would be conjoint.

Mr. Poholek responded yes, they will use the same curbcut and will be a gate with an access code, it will mirror the development already there.

Mr. England asked if the detention pond would be large enough to handle the new addition.

Mr. Poholek responded that they haven't studied that, but the options are to enlarge or to build a separate pond in the backyard.

Chairman Kruzan asked the Board if there were any other questions or to entertain a motion.

Danny England made the motion to recommend APPROVAL of Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road.

Ms. Bell stated the lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan. At 4161 SF, the existing house on the parcel DOES meet/exceed the dimensional requirements for R-78 for minimum floor area and it meets all building setback requirements, staff recommends conditional approval: "The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the submittal of permit applications, whichever comes first." Ms. Bell added that this rezoning will end the nonconforming use on the lot.

Chairman Kruzan asked if the petitioner was present.

Ms. Laura Weishaar explained that her husband was on his way from Atlanta, and lived there for five years, and loves living in the area, and just wanted to build a shop in the backyard, and they agree with the right of way dedication to the county.

Mr. Danny England asked staff why this rezoning is needed.

Ms. Bell responded that building the accessory structure is triggering the change of

zoning because it doesn't meet the lot width at the building line, and it's a cleaning solution.

Chairman asked the audience if anyone else was in support or opposition, with no response, he brought the item back to the Board for questions.

*Danny England made the motion to recommend **CONDITIONAL APPROVAL** of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.*

10. Consideration of the Fayette County Planning Commission 2026 Calendar.

Ms. Bell mentioned the last item for the meeting was the approval of the 2026 Zoning Board of Appeals Calendar, and that, looking at holidays and for January and July meetings, will be moved to the second Thursday of the respective month due to the holiday schedule. She asked to re

Mr. Jim Oliver asked that they just need to recommend acceptance.

Ms. Bell responded Yes, Sir.

*John Culbreth, Sr., made the motion to **APPROVE** the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.*

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN KRUZAN, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

1372-25-A-B

PETITION No (s): ~~1368-25-A-B~~
STAFF USE ONLY

SAGES REFERENCE No.: _____

APPLICANT INFORMATION

Name Xavier Hill
Address 1246 Hwy 314
City Fayetteville
State GA Zip 30214
Email [REDACTED]
Phone 678 637 9790

PROPERTY OWNER INFORMATION

Name 1246 Hwy 314 Fayetteville Co, LLC
Address 1246 Hwy 314
City Fayetteville
State GA Zip 30214
Email [REDACTED]
Phone 678 637 9790

AGENT(S) (if applicable)

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

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: Maria Binns Date: 09/08/2025

DATE OF PLANNING COMMISSION HEARING: November 6th, 2025

DATE OF COUNTY COMMISSIONERS HEARING: December 11, 2025

Received from Xavier Hill a check in the amount of \$ 700.⁰⁰ for application filing fee, and \$ 40.⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: 09/08/25 Receipt Number: MISCP2-09-2025-09024

1372-25-A

PETITION No.: ~~1368-25-A-B~~ Fees Due: \$450.00 Sign Deposit Due: \$20.00

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 1306-011 Acreage: 45.3
Land District(s): 13 Land Lot(s): 219
Road Name/Frontage L.F.: Hwy 54 Road Classification: arterial
Existing Use: Single Family Residential Proposed Use: A-R
Structure(s): SPD Type: Size in SF: ~3,400 1941
Existing Zoning: R40 Proposed Zoning: A-R
Existing Land Use: vacant land Proposed Land Use:
Water Availability: YES Distance to Water Line: Distance to Hydrant:

PETITION No.: ~~1364-25-B~~ Fees Due: \$250.00 Sign Deposit Due: \$20.00

1372-25-B

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 1306-117 Acreage: 4.7
Land District(s): 13 Land Lot(s): 219
Road Name/Frontage L.F.: HWY 1314/1231.51 Road Classification: ARTERIAL
Existing Use: VACANT/RES. Proposed Use:
Structure(s): NONE Type: Size in SF:
Existing Zoning: R40 Proposed Zoning: A-R
Existing Land Use: Proposed Land Use:
Water Availability: YES Distance to Water Line: Distance to Hydrant:

PETITION No.: Fees Due: Sign Deposit Due:

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

1246 Hwy 314 Fayetteville Co LLC

(Please Print)

Property Tax Identification Number(s) of Subject Property: 1246 Hwy 314 Fayetteville, GA

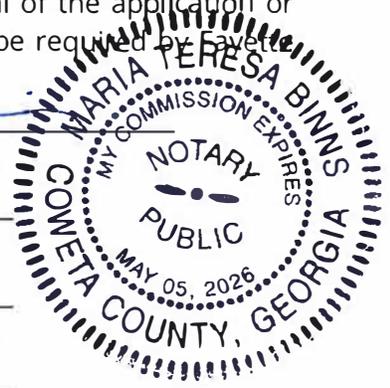
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 219 of the 13 District, and (if applicable to more than one land district) Land Lot(s) 219 of the 13 District, and said property consists of a total of 50 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) Xavier Hill
Signature of Property Owner 1
1246 Hwy 314 Fayetteville, GA
Address

[Signature]
Signature of Notary Public
09/08/2025
Date



Signature of Property Owner 2
Address

Signature of Notary Public
Date

Signature of Property Owner 3
Address

Signature of Notary Public
Date

Signature of Authorized Agent
Address

Signature of Notary Public
Date

1372-25-A-B

PETITION No.: ~~1368-25-A-B~~

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: 1246 Hwy 314 Fayette Co, LLC

ADDRESS: 1246 Hwy 314 Fayetteville, GA 30214

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

1246 Hwy 314 Fayette Co, LLC / Xavier Hill affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ _____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

- See attached legal description on recorded deed for subject property or
- Legal description for subject property is as follows:

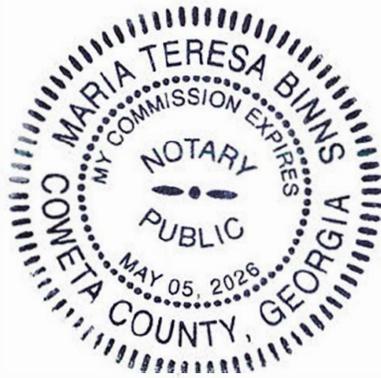
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of November 6, 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of December 11, 2025 at ~~5:00~~ 2:00 PM P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF September, 2025
Xavier Hill

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER
Maria T. Binns
NOTARY PUBLIC May 05, 2026



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, 1246 Hwy 314 Fayette Co. LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along _____ 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:

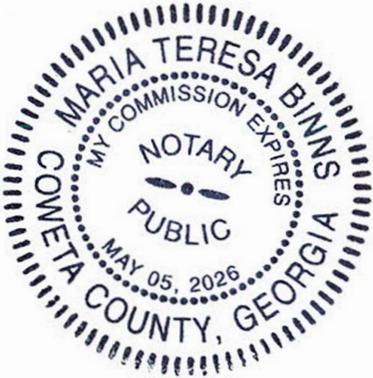
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 8 day of September, 2025.

Xavier Luis
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria T. Binns
NOTARY PUBLIC May 05, 2026



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 8th day of Sept, 2025.
James Lewis

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: No Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

HEARING SCHEDULE FOR 2025 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 2nd month before the meeting, by noon (12:00 PM). 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.

APPLICATION FILING DEADLINE – 12:00 PM	PLANNING COMMISSION HEARING DATE – 7:00 PM	BOARD OF COMMISSIONERS HEARING DATE – 5:00 PM*
November 12, 2024	January 16, 2025*	February 27, 2025*
December 10, 2024	February 6, 2025	February 27, 2025
January 10, 2025	March 6, 2025	March 27, 2025
February 10, 2025	April 3, 2025	April 22, 2025++
March 10, 2025	May 1, 2025	May 22, 2025
April 10, 2025	June 5, 2025	June 26, 2025
May 12, 2025	July 17, 2025*	August 28, 2025
June 10, 2025	August 7, 2025	August 28, 2025
July 10, 2025	September 4, 2025	September 25, 2025
August 11, 2025	October 2, 2025	October 23, 2025
September 10, 2025	November 6, 2025	December 11, 2025, 2:00 PM*
October 10, 2025	December 4, 2025	January 22, 2026*
November 10, 2025	January 2, 2026	January 22, 2026
December 10, 2025	February 5, 2026	February 26, 2026

++ BOC meeting is on Tuesday, April 22 due to the ACCG Conference.

*Holiday Schedule

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:

1246 Hwy 314 Fayetteville Co LLC

(Please Print)

Property Tax Identification Number(s) of Subject Property: 1246 Hwy 314 Fayetteville, GA

(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) 219 of the 13 District, and (if applicable to more than one land district) Land Lot(s) 289 of the 13 District, and said property consists of a total of 50 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) Xavier Hill
Signature of Property Owner 1
1246 Hwy 314 Fayetteville, GA
Address

Maria T. Binns
Signature of Notary Public
09/08/2025
Date



Signature of Property Owner 2
Address

Signature of Notary Public
Date

Signature of Property Owner 3
Kathy M. Boyd
Address

Signature of Notary Public
Date

Kathy M. Boyd
Signature of Authorized Agent
P.O. Box 64
Address
Fayetteville, GA
30295

Maria T. Binns
Signature of Notary Public
11/24/2025
Date



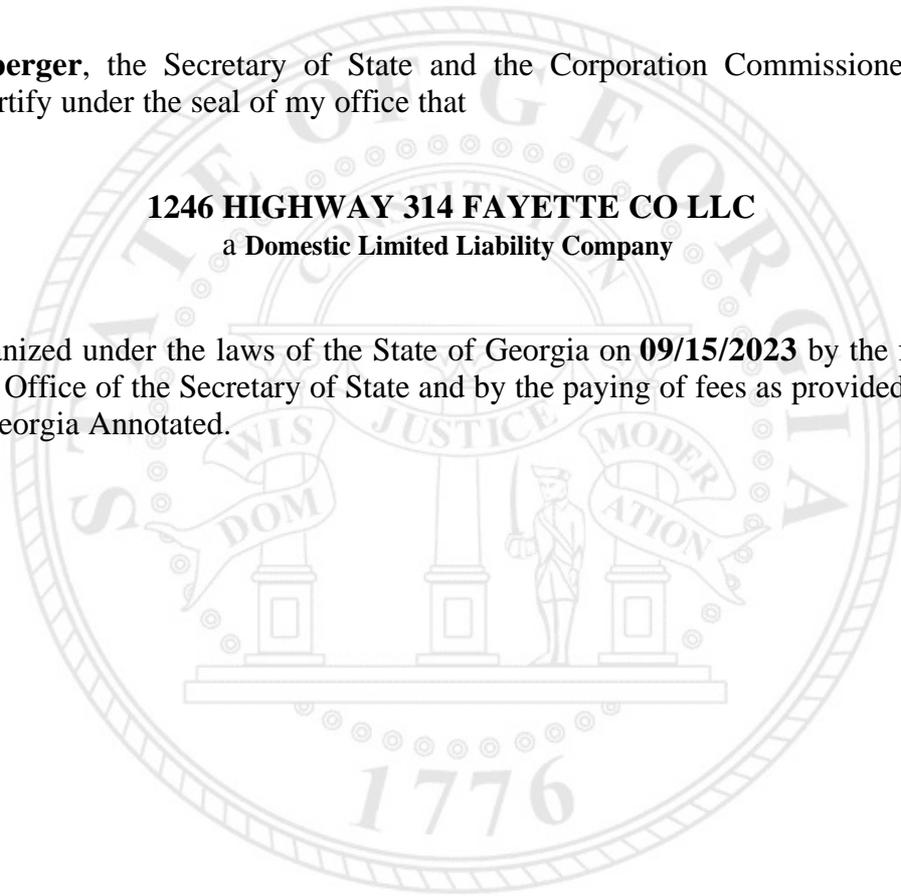
STATE OF GEORGIA
Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF ORGANIZATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

1246 HIGHWAY 314 FAYETTE CO LLC
a Domestic Limited Liability Company

has been duly organized under the laws of the State of Georgia on **09/15/2023** by the filing of articles of organization in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.



WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on **09/25/2023**.



Brad Raffensperger

Brad Raffensperger
Secretary of State

ARTICLES OF ORGANIZATION

Electronically Filed

Secretary of State

Filing Date: 9/15/2023 5:45:20 PM

BUSINESS INFORMATION

CONTROL NUMBER 23202425
BUSINESS NAME 1246 HIGHWAY 314 FAYETTE CO LLC
BUSINESS TYPE Domestic Limited Liability Company
EFFECTIVE DATE 09/15/2023

PRINCIPAL OFFICE ADDRESS

ADDRESS 4584 MORELAND AVE, CONLEY, GA, 30288, USA

REGISTERED AGENT

NAME	ADDRESS	COUNTY
XAVIER HILL	4584 MORELAND AVE, CONLEY, GA, 30288, USA	Clayton

ORGANIZER(S)

NAME	TITLE	ADDRESS
XAVIER HILL	ORGANIZER	4584 MORELAND AVE, CONLEY, GA, 30288, USA

OPTIONAL PROVISIONS

N/A

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE XAVIER HILL
AUTHORIZER TITLE Member

Return to:

John R. Grimes, Esq
Lefkoff, Duncan, Grimes, McSwain, Hass & Hanley, P.C.
3715 Northside Parkway NW Bldg 300, Ste 600
Atlanta, GA 30327

Tax Parcel Nos 1306 011 and 1306 117

WARRANTY DEED

THIS INDENTURE, made this 1st day of November, 2023 between **WILLIAM F. JOHNSTON, III** (“Grantor”), and **1246 HIGHWAY 314 FAYETTE CO, LLC** (“Grantee”) (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context hereof requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration, in hand paid at the delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property, to-wit:

ALL THAT TRACT OR PARCEL OF LAND laying and being in Land Lot 219 of Fayette Co, GA being the tax parcels noted above and being known as 1246 Highway 314, Fayetteville, Fayette Co, GA according to the present system of number properties in said count and being more particularly and fully described in **Exhibit “A”** attached hereto and incorporated herein by reference.

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 Grantee, in FEE SIMPLE.

AND, SUBJECT TO the title matters expressly set forth in **Exhibit "B"** attached hereto, Grantor will warrant and forever defend the right and title to the above-described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor.

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:


Unofficial Witness

 (SEAL)
WILLIAM F. JOHNSTON, III


Notary Public

(NOTARY SEAL)



EXHIBIT "A"

All that tract or parcel of land containing fifty (50) acres, more or less, in the northeast corner of Land Lot 219, and bounded as follows: On the North by lands of J. B. Travis; on the East by a public road leading from near Friendship Church to Riverdale; on the South by lands of S. B. Lewis; and on the West by lands of S. B. Lewis and the Eliza Scott place; being the same property described in the Executor's Deed from Trust Company Bank, as Executor under the Will of William Chester Dickson, to Louise Dickson (also known as Louise Edna Dickson), recorded at Deed Book 144, Page 210, Fayette County, Georgia, Records; and being the same property described in the Warranty Deed from: Louise Dickson (a/k/a Louise Edna Dickson) to Trust Company Bank, Trustee under agreement dated April 24, 1972 as amended, recorded at Deed, Book 152, Page 177, Fayette County, Georgia.;

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 219 of the 13th District of Fayette County, Georgia and being more particularly described as follows:
BEGINNING at an iron pin on the West right-of-way of Georgia State Highway No. 314 (said highway having a right-of-way 100 feet in width) 1,408 feet South, as measured along the West right-of-way line of said highway from the intersection formed by the West right-of-way line of said highway with the North line of Land Lot 219; running thence South, along the West right-of-way line of said highway, 54 feet to an iron pin; running thence in a westerly direction 308 feet to an iron pin located in a branch as shown on the hereinafter described plat of survey; running thence in a northeasterly direction, along said branch, 204.3 feet to an iron pin located in another branch which runs in a northwesterly-southeasterly direction; running thence in a southeasterly direction, along the latter mentioned branch 182 feet to the West right-of-way line of Georgia State Highway No. 314 at the POINT OF BEGINNING, all as shown on a plat of survey dated April 11, 1970 as prepared by Lee Engineering Company.

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held
before the Fayette County Board
of Commissioners on Thursday,
January 22, 2026, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.
Petition No: 1372-25-A-B
Parcel No: 1306 011 & 1306 117
Owner: 1246 Highway 314 Fayette
Co, LLC
Agent(s): Xavier Hill
Zoning District: R-40
Area of Property: 50.15 +/- acres
Land Lot(s)/District: Land Lot 219
of the 13th District
Fronts on: Highway 314
Proposed: Applicant proposes the
following:

A) Parcel No. 1306 011; to rezone
45.412 acres from R-40 (Single-Family Residential) to A-R (Agricultural-Residential).

B) Parcel No. 1306 117; to rezone
4.738 acres from R-40 (Single-Family Residential) to A-R (Agricultural-Residential).

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

Legal Description
EXHIBIT "A"

All that tract or parcel of land
containing fifty (50) acres, more
or less, in the northeast corner of
Land Lot 219, and bounded as follows;
On the North by lands of J.
B. Travis; on the East by a public
road leading from near Friendship
Church to Riverdale; on the
South by lands of S. B. Lewis; and
on the West by lands of S. B. Lewis
and the Eliza Scott place; being the

same property described in the Executor's Deed from Trust Company Bank, as Executor under the Will of William Chester Dickson, to Louise Dickson (also known as Louise Edna Dickson), recorded at Deed Book 144, Page 210, Fayette County, Georgia, Records; and being the same property described in the warranty Deed from Louise Dickson (a/k/a Louise Edna Dickson) to Trust Company Bank, Trustee under agreement dated April 24, 1972 as amended, recorded at Deed, Book 152, Page 177, Fayette County, Georgia;

LESS AND EXCEPT.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 219 of the 13th District of Fayette County, Georgia and being more particularly described as follows: BEGINNING at an Iron pin on the West right-of-way of Georgia State Highway No. 314 (said highway having a right-of-way 100 feet in width) 1,406 feet South, as measured along the West right-of-way line of said highway from the Intersection formed by the West right-of-way line of said highway with the North line of Land Lot 219; running thence South, along the West right-of-way line of said highway, 54 feet to an Iron pin; running thence in a westerly direction 306 feet to an Iron pin located in a branch as shown on the hereinafter described plat of survey; running thence in a northeasterly direction, along said branch, 204.3 feet to an Iron pin located in another branch which runs in a north-westerly-southeasterly direction; running thence in a southeasterly direction, along the latter mentioned branch 182 feet to the West right-of-way line of Georgia State Highway No. 314 at the POINT OF BEGINNING, all as shown on a plat of survey dated April 11, 1970 as prepared by Lee Engineering Company.

12/17

From: [Woodrow E. McNair](#)
To: [Planning & Zoning](#)
Subject: Fw: Objection to Rezoning Hwy 314 -- Petitions 1364-25-A and 1364-25-B
Date: Thursday, December 4, 2025 4:05:00 PM

***External Email* Be cautious of sender, content, and links**

Dear Zoning Board Members:

I am a resident of Lafayette Estates, which adjoins the property being considered for rezoning. This is a follow-up to my previous opposition to the rezoning request, as well as those of my neighbors.

The initial email, below this and sent August 7th, explains our concerns. The first four are summarized, and numbers five and six are added with more explanation.

1. Event Center and "Glamping" planned – Noise, traffic, and crime.
2. No communication with neighbors about intent, and disregard for planning regulations and neighbors by initially cutting illegal access for a connecting street.
3. Property zoning was carefully planned for a subdivision, and the tracts were recently purchased with that knowledge and should not be altered.
4. The LLC that owns the property, according to the Georgia Secretary of State's filing, is only authorized to develop a subdivision.
5. Another event center is not needed in the area. A search for event centers within a fifteen to twenty minute drive reveals that there are at least twenty of them. There are sufficient numbers to serve the area's needs. A concern would be that an added event center would compromise noise and traffic restrictions for competitive reasons by allowing loud music and groups.
6. We do not know the partners, shareholders, or silent investors of the LLC, and have concerns about those who are rumored to be in that group. We need to know who they are so to ascertain if they have the reputations to adhere to the legal use of that property. For instance, it is rumored (pending verification) that former Clayton County Sheriff Victor Hill is connected. He has been convicted of federal offenses and has been involved in multiple controversies. He is prohibited from working in law enforcement ever again. Another name mentioned is that of William Roberts II, aka rapper Rick Ross, or one of his companies. He was forced to conform to strict regulations for his annual event, which creates noise and traffic problems. The planned use of the 314 properties being considered would be weekly, and that would be unacceptable. It's important to know all the names of those involved and their reputations for obeying the law and respecting the rights and concerns of neighbors. Doubts about their histories and reputations should be

reason to reject the rezoning.

As previously stated, the best use of the land and best use for the area is to keep it low-density residential. Problems with the planned use would create disturbances and reduce the values of existing homes.

Thank you for rejecting the rezoning of the GA 314 properties.

Sincerely,

Woodrow E. McNair
167 Lafayette Drive
Fayetteville, GA 30214-5322

From: Woodrow E. McNair <[REDACTED]>
Sent: Thursday, August 7, 2025 4:43 PM
To: zoning@fayettecountyga.gov <zoning@fayettecountyga.gov>
Subject: Objection to Rezoning Hwy 314 -- Petitions 1364-25-A and 1364-25-B

Dear Zoning Board Members,

I cannot attend tonight's meeting because of work but wanted to express my objection to the requested rezoning of the property along GA 314 and referenced in the subject.

I am a long-time Fayette resident living on Lafayette Drive, which borders the property being considered.

My objections are summarized as follows:

1. The disclosed use of the property for commercial purposes, specifically an event center and "glamping" facility opens up possibilities for many undisclosed disruptive purposes to the enjoyment of our neighborhood. We already accept the annual noise and traffic problems from a major annual event up on GA 279. The repurposed use of the Hwy 314 land would add to that and could be every week. We also have had previous problems with bands and DJs at a house bordering our neighborhood. Besides the traffic, parking in our neighborhood, and noise, there was a murder at one of those events. We do not want more of that.
2. There has been no communication between the petitioner and neighbors. This was also the case when he previously bulldozed, without a permit, an entry way into our neighborhood, despite our street unable to handle all the construction and added housing traffic. For the current project, the owner placed two unreadable from the highway signs about the rezoning. Without more specifics, we can only worry about what might start that violates the peace of the area and local law.
3. I understand that the land needs to be utilized for some

purpose, but that is what the Comprehensive Plan long-term plan has already addressed – designating that land for low density residential. The petitioner knew the zoning when he purchased the land, yet has failed to honor the plan and has not respected the needs and wishes of his neighbors. His proposal is not a better use, but is a worse use.

4. The petitioner's purpose of existence when created and filed with the Secretary of State was to build a subdivision. This project is not consistent with what the business is authorized to do.

In summary, the best use of the land and for the area is to keep it low-density residential. The noise, traffic, and potential disturbances to the peace for our area would reduce the value of existing properties and would be a nuisance.

Thank you for consideration these objections and voting against rezoning of the GA 314 property.

Woodrow E. McNair
167 Lafayette Drive
Fayetteville, GA 30214-5322

Fayette County Board of Commissioners
140 Stonewall Avenue West
Fayetteville, GA 30214

Subject: Urgent Request to Deny Rezoning Request from R-40 to A-R

Dear Mr. Charles Oddo,

As a resident of Fayette County and a deeply invested member of this community, I am writing to respectfully but strongly urge you to **deny the proposed zoning change from R-40 (Single-Family Residential) to A-R (Agricultural-Residential)** for the property located at **1246 Highway 314, Fayetteville, GA 30214**

This proposed rezoning threatens to disrupt the very fabric of our neighborhood, and I implore you to consider the following concerns:

1. Incompatibility with Established Community Character

The current R-40 zoning reflects the careful planning and vision that have made this area a peaceful, family-centered residential community. Allowing a shift to A-R undermines the uniformity and stability residents rely on—and may open the door for uses wholly inconsistent with the character of our neighborhood.

2. Threat to Property Values and Residential Integrity

Rezoning to A-R allows for broader, less-restrictive land uses that may include non-residential activities such as events or agricultural operations. These uses are not only out of place in our quiet residential environment but have the real potential to reduce the value of surrounding homes. Many of us have invested our life savings into our homes with the expectation that zoning laws would protect our neighborhood from incompatible development.

3. Increased Traffic, Safety Risks, and Infrastructure Burden

Non-residential or agricultural uses typically involve heavier traffic—including service vehicles, delivery trucks, and unfamiliar drivers—on roads not designed to accommodate them. This poses serious safety concerns for children, pedestrians, and drivers. Already narrow or busy roads could become even more hazardous, and residents may find it increasingly difficult to safely access their own homes. There is also a real and growing concern over strangers using residential driveways or lawns to turn around—something that has already been happening in anticipation of potential development.

4. Quality of Life and Environmental Impact

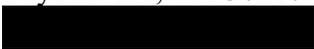
The peace and tranquility of this neighborhood are among its greatest assets. Introducing uses permitted under A-R zoning could bring increased noise, light pollution, and activity levels incompatible with the quiet enjoyment of our homes. For families who moved here seeking a calm and stable environment, this rezoning could irreversibly diminish their quality of life.

We do not oppose thoughtful growth—but we do ask that growth be managed in a way that respects the existing character and expectations of current residents. This proposed rezoning is not in keeping with those values.

On behalf of myself and many neighbors who share these concerns, I respectfully urge you to protect the integrity of our community by **denying the request to rezone from R-40 to A-R.**

Thank you for your time, consideration, and commitment to preserving what makes Fayette County a truly special place to live.

Sincerely,

Rick and Gail Raby
1223 Highway 314
Fayetteville, GA 30217


COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1373-25, Parcel 0504 049; Kyle D. Weishaar and Laura S. Weishaar, owners, request to rezone 7.745 acres from A-R (Agricultural-Residential) to R-78 (Single-Family Residential); property located in Land Lot(s) 26 of the 5th District and fronts Harp Road. This item was tabled at the January 22, 2026 Board of Commissioners meeting.

Background/History/Details:

The lot is a legal nonconforming lot and meets or exceeds all requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre min. parcel size. The request to rezone to R-78 is consistent w/the Future Land Use Map & Comp. Plan. At 4161 SF, the existing house DOES meet/exceed dimensional requirements for R-78 for min. floor area and setbacks. Staff recommends CONDITIONAL APPROVAL of the request to rezone from A-R to R-78, subject to the following condition:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way within 90 days of the approval of rezoning, or prior to the submittal of permit applications, whichever comes first.

On December 4, 2025, Planning Commission voted to recommend CONDITIONAL APPROVAL of the request to rezone from A-R to R-78. Danny England made a motion to recommend conditional approval of 1373-25. John Culbreth seconded the motion. Motion carried 5-0.

This request was tabled at the January 22, 2026, meeting due to a lack of a full board.

What action are you seeking from the Board of Commissioners?

Consideration of Petition 1373-25, Parcel 0504 049; Kyle D. Weishaar and Laura S. Weishaar, owners, request to rezone 7.745 acres from A-R (Agricultural-Residential) to R-78 (Single-Family Residential); property located in Land Lot(s) 26 of the 5th District and fronts Harp Road.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION No. 1373-25

REQUESTED ACTION: Rezone 7.745 acres from A-R to R-78

PARCEL NUMBER: 0504 049

EXISTING ZONING: A-R

PROPOSED ZONING: R-78

EXISTING USE: Single-Family Residential

PROPOSED USE: Single-Family Residential

LOCATION: 211 Harp Road

LOT SIZE: 7.745 Acres

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 26

OWNER(S): Kyle D. Weishaar and Laura S. Weishaar

APPLICANT(S): Kyle D. Weishaar and Laura S. Weishaar

AGENT(S): Mark Wiggins

PLANNING COMMISSION PUBLIC HEARING: December 4, 2025 (Tabled from the Planning Commission Hearing on November 6, 2025)

BOARD OF COMMISSIONERS PUBLIC HEARING: February 26, 2026, at 5:00 PM (Tabled from the January 22, 2026, BOC meeting due to a lack of a full board)

REQUEST

The applicant is requesting to rezone the property from A-R to R-78.

STAFF ASSESSMENT & RECOMMENDATION

The lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan. At 4161 SF, the existing house on the parcel DOES meet/exceed the dimensional requirements for R-78 for minimum floor area and it meets all building setback requirements.

Staff recommends **CONDITIONAL APPROVAL** of the request to rezone from A-R to R-78, subject to the following condition:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel.

Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the submittal of permit applications, whichever comes first.

PLANNING COMMISSION RECOMMENDATION

On December 4, 2025, the Planning Commission voted unanimously to recommend **CONDITIONAL APPROVAL** of the request to rezone from A-R to R-78, subject to conditions as presented by staff. Danny England made a motion to recommend conditional approval of Petition 1373-25. John Culbreth seconded the motion. The motion carried 5-0.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned A-R, Agricultural-Residential. The property is currently developed with a single-family residence. As determined by staff previously, the lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The lot does not meet the minimum lot width for A-R, but it will meet the requirements of the R-78 zoning district so this rezoning will resolve the nonconformity.

The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan.

The existing house on the parcel DOES meet the dimensional requirements for R-78 for building setbacks and minimum floor area.

B. ADJACENT ZONING AND FUTURE LAND USE

The parcels surrounding the subject property are zoned R-70, having been part of the aforementioned blanket rezoning in 1973. Many other parcels in the general area are zoned A-R. The Future Land Use Map for this property and all the surrounding properties is Rural Residential-2, 1 Unit/2 Acres. See the attached Zoning Map and Future Land Use Map.

Direction	Acreage	Zoning	Use	Future Land Use Plan
North	25+	A-R	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
East	25+	A-R	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
South	20 100+	A-R R-40	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
West	25+	A-R	Single Family Residential	Rural Residential-2 (1 unit /2 acres)

C. DEPARTMENTAL

- Water System** – No objections.
- Public Works/Environmental Management** – No objections.
 - **Road Frontage Right of Way Dedication** -- Harp Road is a Minor Arterial, 50 from CL right of way is required per the Fayette County Thorough Fare Plan.
 - **Traffic Data** -- There is no existing traffic data for Harp Road.
 - **Sight Distance and access** -- The speed limit on Harp Road is 40 MPH, requiring 445 ft. of sight distance. If a new driveway permit is required, it must be permitted through EMD.
 - **Floodplain Management** – The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0114E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process as to the existence or non-existence of wetlands.
 - **Watershed Protection** -- There **ARE NOT** state waters located on the subject property, and it **WILL BE** subject to the Fayette County Article VII Watershed Protection Ordinance.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface.
- Fire** – No comments.
- Environmental Health** - This office has no objection to the proposed rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request does conform to the Fayette County Comprehensive Plan.
2. The area around the subject property is an area that already has various residential and agricultural uses. Staff does not anticipate that this rezoning will have an adverse impact on the adjacent parcels.

3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as rural residential.

ZONING DISTRICT STANDARDS

Sec. 110-130. - R-78, Single-Family Residential District.

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

(b) *Permitted uses.* The following uses shall be permitted in the R-78 zoning district:

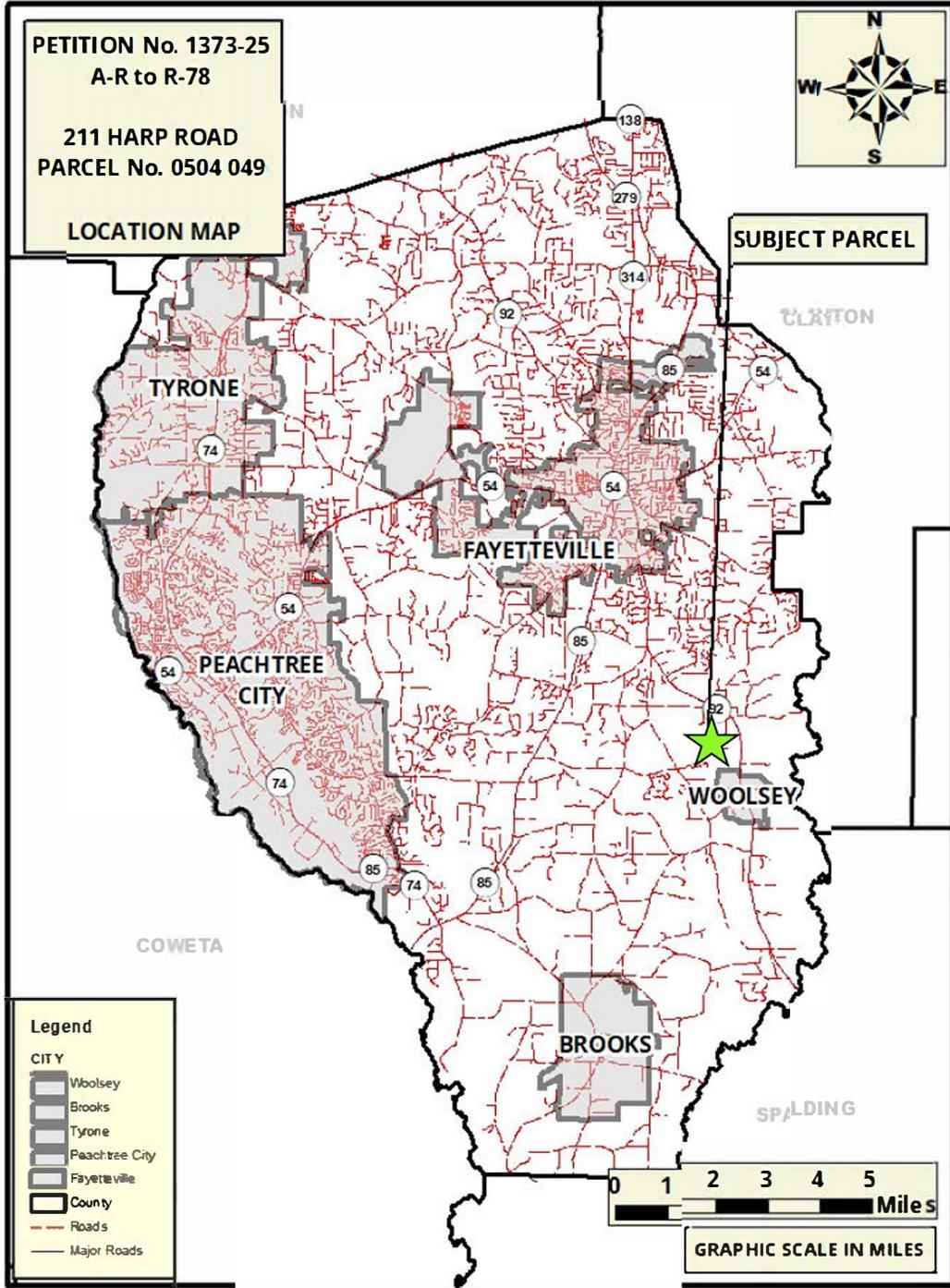
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

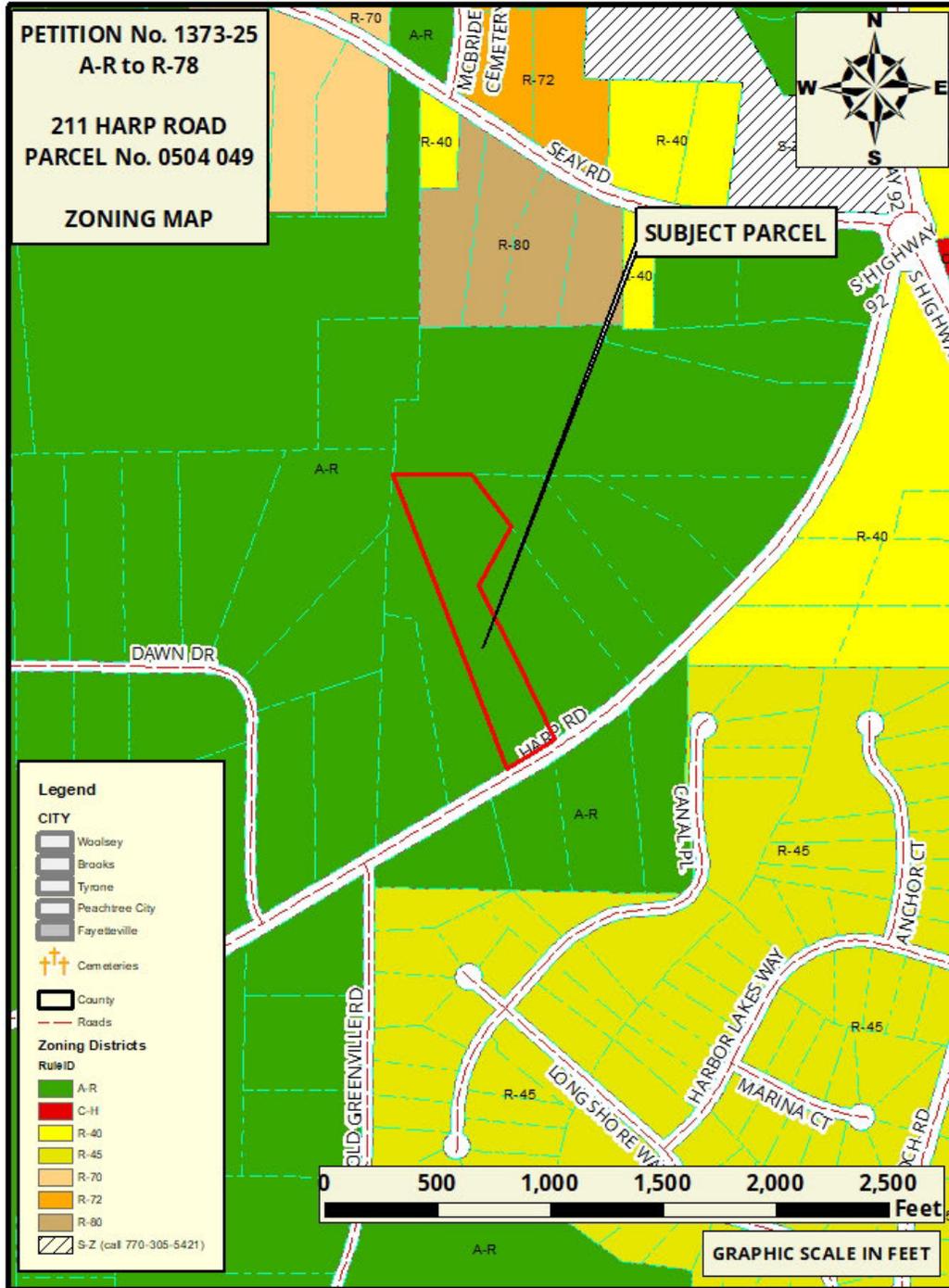
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-78 zoning district provided that all conditions specified in article V of this chapter are met:

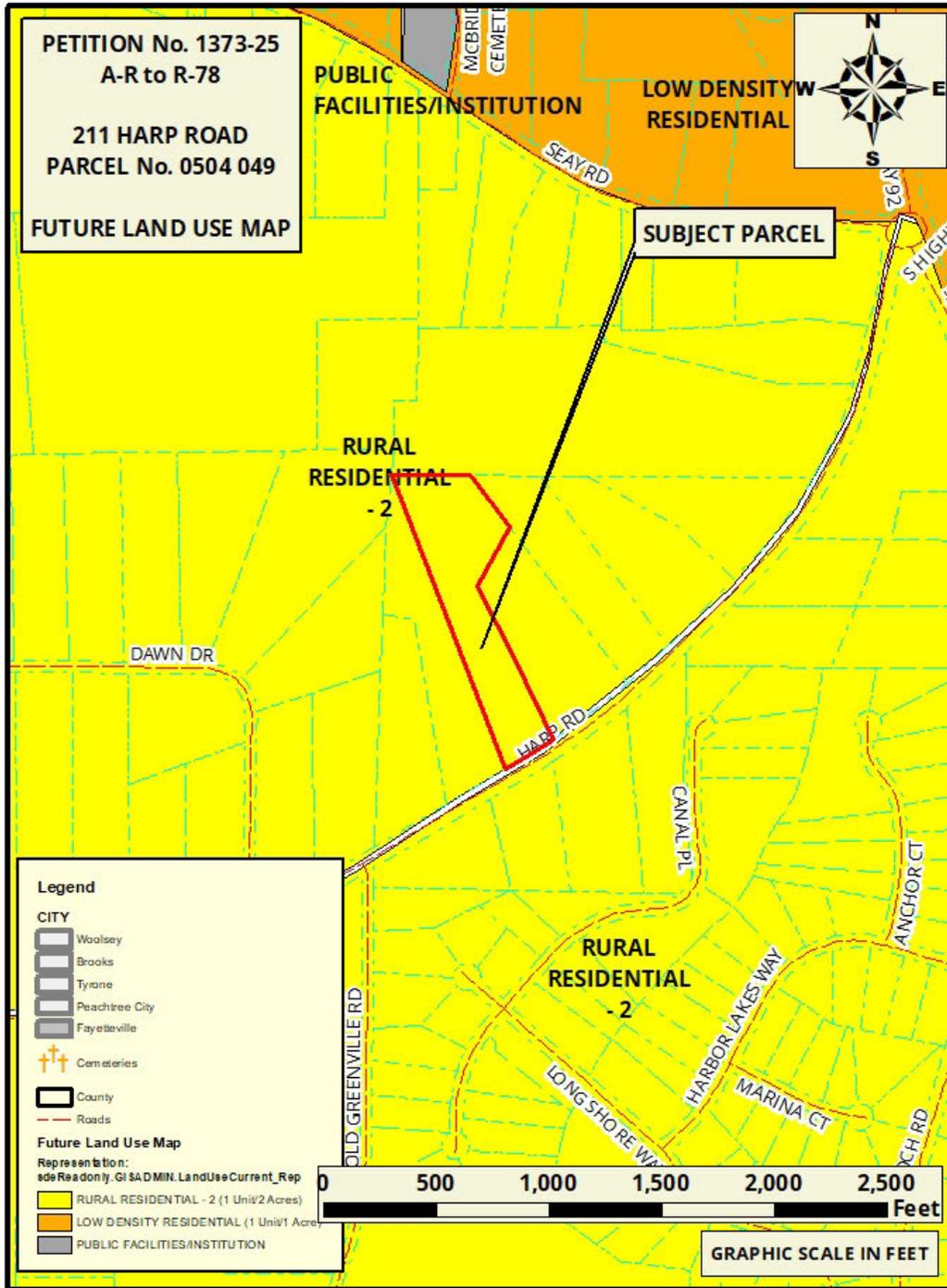
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

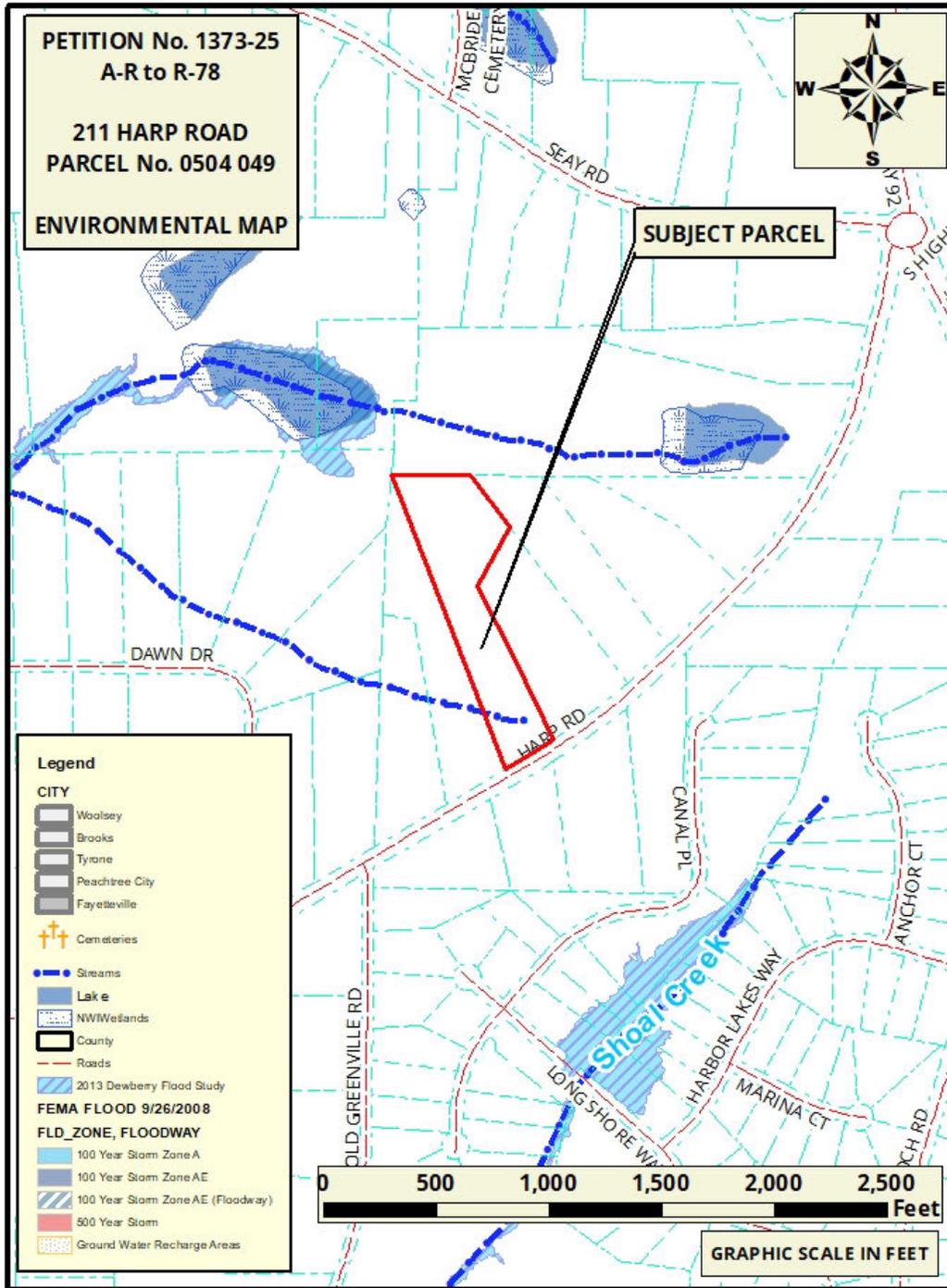
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-78 zoning district shall be as follows:

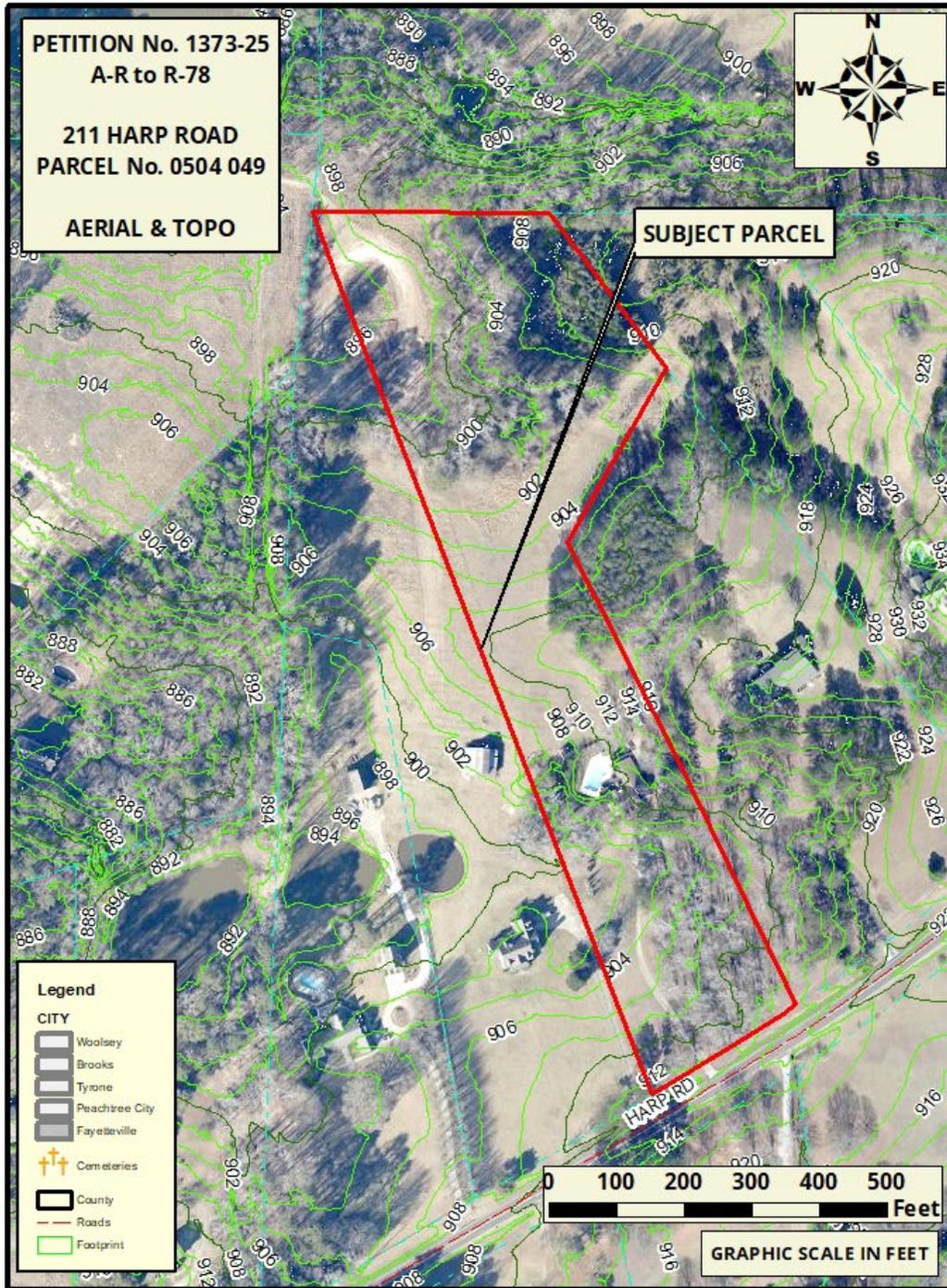
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width: 125 feet.
- (3) Floor area: 3,000 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.
- (7) Height limit: 35 feet.



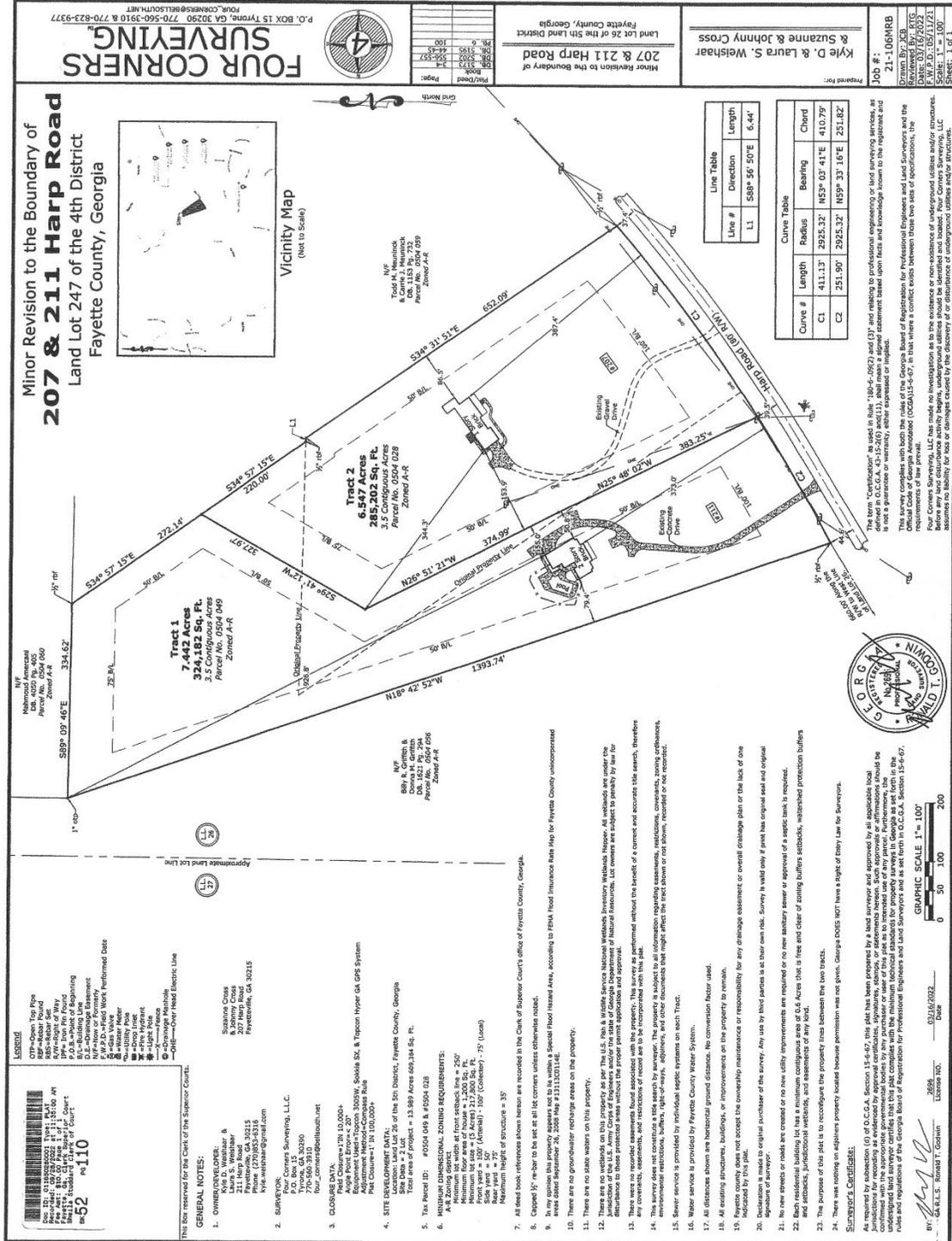








Book: 52 Page: 110 Seq: 1



SURVEY



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

Date: March 16, 2022

To: Fayette County Clerk of Superior Court

From: Channele Blaine, Fayette County Zoning Administrator

Re: Parcel ID #0540-049
211 Harp Road
Kyle & Laura Weishaar
Lot 1: 7.442 acres
Land Lot 26 of the 5th District

Parcel ID #0504-028
207 Harp Road
Johnny & Suzanne Cross
Lot 2: 6.547 acres
Land Lot 26 of the 5th District

The recording of this survey is for two existing tracts of land consisting of a 7.442-acre lot for Lot 1 and 6.547-acre lot for Lot 2. No new streets or roads have been created; therefore, approval by the Planning Commission is not required.

Respectfully,

Channele Blaine, AICP
Zoning Administrator

APPROVAL OF REVISED PLAT OF EXISTING PARCELS

BOARD MEMBERS

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

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 04, 2025
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to change items number 7 and 8 (Petitions No. 1372-25-A and B) to number 1 and 2. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. *Consideration of Petition 1372-25-A, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.*

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. ***John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.***
3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. ***Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.***
4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road. ***Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0***
5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.***
6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.***
7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road. ***John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.***
8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138. ***Danny England made the motion to recommend APPROVAL of***

Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road. ***Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.***

10. Consideration of the Fayette County Planning Commission 2026 Calendar. ***John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.***

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

Meeting Minutes 12/04/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on December 4th, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to renumber items 7 and 8 (Petitions No. 1372-25-A and B) to 1 and 2, respectively. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0.*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. ***Consideration of Petition 1372-25-A***, 1246 Highway 314, Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Ms. Debbie Bell stated that items 1 and 2 (1372-25-A and 1372-25-B) are adjacent parcels for the same request, but they will require individual hearings. She read the description for both parcels and also mentioned the smaller lot is a legal nonconforming lot and, as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Low Density Residential is designated for this area, so the request for A-R zoning, which is a lower density district, is appropriate. Parcel 1306-117 (4.738 acres) does not meet the minimum lot size for the A-R zoning. Therefore, a condition is recommended to ensure it is combined with the larger parcel, which will resolve this issue. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends conditional approval of the request for a zoning of A-R, Agricultural-Residential: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first."

Chairman John Kruzan asked if the petitioner was present.

Mr. Randy Boyd, representative. – Explained, Mr. Hill asked him to represent him on this petition. He knew the petition was denied back in August and read a letter from Mr. Hill where he has previously sent it in response to one of the neighbors asking about the rezoning where he stated he was the owner of the property in question and he's a member of the North Fayette Homeowners Association, and wanted to rezone it to support a lower impact in the community such as licensed private fishing, small event wedding, and the use of the house as a bed and breakfast, and added will not exceed the allow parking spaces to manage traffic flow and preserve the neighborhoods area. The house was built in 1958, and they decided to sell it after the state required significant updates to the Lake Drainage System, a cost they couldn't afford, and they have already taken steps toward it.

Chairman Kruzan asked if anyone was in support of the petitions, with no response, then he asked if anyone was in opposition to come to the podium and speak.

Mr. Danny England asked staff what differences from the last time the board heard the petition back in August.

Ms. Bell responded that nothing has changed since the petitioner withdrew from the Board of Commissioners Meeting after the previous Planning Commission Meeting and re-applied.

Mr. England asked in the last meeting, staff recommendation was for denial, and now it's conditional approval. Is that correct?

Ms. Bell responded that the staff recommendation was for conditional approval at that time; nothing has changed since the last meeting.

Mr. England wanted to make sure he was not missing something; no other changes were made.

Ms. Gail Raby requested to denied both petitions, the surrounding neighborhoods had expressed their concerns back in August and opposed having a business at that address, believing it would increase the traffic in the area, and that becoming A-R zoning would bring a variety of businesses bringing a lot of noise something Mr. Xavier doesn't understands because he doesn't live in the community or the county. She stated that the properties in question have three access points (two from Highway 314 and one in LaFayette Estates), compromise someone getting hit while walking. Ms. Gail expressed her concerns about Mr. Hill selling parts of the property to other businesses with other uses and expressed what's happening right now with the big lights at the front of the property and mobile parties that, according to her, are causing a lot of discomfort and safety concerns. She asked the board to deny both petitions.

Ms. Marcelle English stated that she and her mother are opposed to this rezoning and expressed that neither Mr. Hill nor her mother resides within the property and stated that when he rents it to third parties, and potential uses under the A-R zoning where he has no control over security, trash, noise, or traffic, in reality, to run a business at that property.

Ms. Alice Jones mentioned she has remorse about the Rick Ross property, also A-R zoning and the impact within the community. Spoke about the traffic increase, getting in and out of the subdivisions, and being one of the founders of the North Fayette Community Association, where she thinks Mr. Hill has been in an appeal meeting for this proposal. Ms. Jones asked the board to deny both petitions.

Mr. Walter Metzger stated he has no problem developing the property for residential use. He resides across the street from Mr. Hill's property and mentioned he has several events, loud music that he can hear inside his house. He stated that if rezoned will come with different uses and you will still have the noise and more traffic that will bring the house's value down.

Ms. Tonya Conley questioned why we are still considering these petitions, explaining that she resides to the left of the properties and she mentioned that the noise is being heard and said someone from the previous meeting, from LaFayette, speaking about someone who put out signs about refurbishing the lake and the runoff that was to be expected in his subdivision, and to create an additional road.

Mr. William Walker spoke about his concerns with data center developments in the area, and he doesn't know if this property will become one.

Mr. Randy Boyd spoke in rebuttal and stated that the petitioner completely withdrawn the

previous request. He mentioned noise limits and under the current zoning (R-40), certain conditional uses can be developed, like a church, private school, etc., and will have an impact on traffic, likewise. He stated he had a very short time to research the property, and regarding the lake he stated it will have to be done by being categorized as a category one lake because if it fails, it will be a loss of life. Mr. Boyd called the board for approval for a less intense use.

Since there are two separate petitions (1372-25-A and 1372-25-B) for two different parcels that are adjacent to each other, the Board will need to hear two separate hearings for each request. The same opposition comments were stated by the residents whose names had previously been spoken.

Mr. Jim Oliver asked Mr. Randy Boyd if they had any problems with the conditions posted on the recommendation for each petition.

Mr. Boyd responded No.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Chairman Kruzan asked the board if they had any questions or comments, and if not, to proceed with a motion for petition 1372-25-B.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0

3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing.

Ms. Bell explained that under public hearings, the state changed the advertising requirements for variance two years ago, where the ads had to be run 30-45 days before a variance could be heard, and this new change from 15 but not more than 45 calendar days will make it easier to fit those advertisements into the agendas.

Mr. John Culbreth, Sr., asked staff if the state changed its rule.

Ms. Bell responded to certain things that zoning has to meet the state zoning procedure laws and the advertisements for rezonings, if one of those falls under different sections under O.C.G.A.'s and this will be brought into alignment with a recent amendment to the state code.

Chairman Kruzan asked if anyone wanted to speak in support or opposition to the

request, but with no response, he brought it back to the board for questions or a motion.

Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.

4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road.

Ms. Bell stated the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends approval of the request to rezone to A-R.

Ms. Laura Reagan stated that previously, they had requested a variance to build a running shelter on each of their fenced pastures and already had two horses. The main request for this new variance is for her to have more chickens.

Ms. Bell explained that the reading of the ordinance in the A-R zoning allows you to have horses, but you have to have ten acres to have a horse shelter.

Chairman Kruzan asked if anyone was in support or opposition of the request. No one responded, brought the item back to the board for questions, or made a motion.

Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0

5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Ms. Bell read both petitions' requests (1369-25-A and 1369-25-B) together since the parcels are adjacent parcels for the same request, but they will require individual hearings. Ms. Bell stated that the owner wanted to build a shelter for their horse and that the Comprehensive Plan's Future Land Use Plan in the A-R zoning is appropriate and recommends conditional approval: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first" for both parcels.

Chairman Kruzan asked if the petitioner was present.

Mr. McCotter stated was given a horse from the neighbor she couldn't take care of after the passing of her husband, and by combining both parcels, will resolve the issue.

Mr. Oliver asked the petitioner if he had any problems with the conditions that are required to comply with the conditional approval.

Mr. McCotter responded No.

Chairman Kruzan asked if anyone else wanted to speak in support or opposition of the petition, but no one responded. He brought the item back to the Board for questions or to make a motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.

6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Same petition from above, Ms. Bell read the description of this petition.

Chairman Kruzan asked if anyone was in support or opposition of the petition, with no answer, he brought the item back to the board for questions or motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.

7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road.

Ms. Bell read the description above and said the parcel is a legal lot of record and meets A-R zoning requirements, and is designated as Rural Residential-3, which has a 3-acre minimum. A request to rezone R-80 aligns with the Future Land Use Map and Comprehensive Plan. However, the existing house does not meet R-80 setback (21.88 feet instead of 30 feet) or minimum floor area (1724 square feet instead of 2500 square feet) requirements, but is a legal nonconforming structure. Staff recommends conditional approval for the rezoning, requiring the applicant to obtain a variance for the floor area or modify the house within 180 days before any final applications and to obtain a variance to the side yard setback in the R-80 or to modify the house within 180 calendar days pr before applying for any final plats or permits, whichever comes first.

Mr. Jean Allen stated the house was built years ago and everything was zoned A-R, and he wanted to get it rezoned to R-80.

Mr. Oliver asked the petitioner if he was okay with the conditions staff recommended. And if he wanted to rezone the property for himself?

Mr. Allen responded yes and said it was for family members.

With no further comments or questions from the Board they moved for a motion

John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.

8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138.

Ms. Bell stated that, as defined in the Fayette County Comprehensive Plan General Business Use is designated for this area and because the property is adjacent to C-H zoned properties and uses staff recommended approval for this rezoning to C-H, Highway Commercial.

Ms. Ellen Smith, representative with the law office of Parker Poe, explained that his client owns the self-storage next door to this parcel that was acquired in 2021 and got properly rezoned, its ninety-four leases; it's the third property owned by the same client, and would like to do the same project for this new petition, where the back side of the property will be additional self storage with some RV parking in the back and additional building at the front to shield that. She showed photos of the concept plan.

Mr. Chris Poholek added that when you are in front of the property, you can not see the self-storage part in the back, and it will have some retail uses at the front.

Chairman John Kruzan asked if anyone else was in support or opposition of the petition, with no response, he brought the item to the Board for questions.

Mr. John Culbreth, Sr., asked Ms. Smith if there was already an existing storage facility developed there.

Ms. Smith responded to the property that was originally a twenty-two-acre parcel and seven acres were developed in the adjacent parcel, stating they rezoned only that part and now they want the same with this petition.

Mr. Culbreth asked if it was the same owner.

Ms. Smith responded Yes.

Mr. Danny Englan asked if they would be conjoint.

Mr. Poholek responded yes, they will use the same curbcut and will be a gate with an access code, it will mirror the development already there.

Mr. England asked if the detention pond would be large enough to handle the new addition.

Mr. Poholek responded that they haven't studied that, but the options are to enlarge or to build a separate pond in the backyard.

Chairman Kruzan asked the Board if there were any other questions or to entertain a motion.

Danny England made the motion to recommend APPROVAL of Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road.

Ms. Bell stated the lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan. At 4161 SF, the existing house on the parcel DOES meet/exceed the dimensional requirements for R-78 for minimum floor area and it meets all building setback requirements, staff recommends conditional approval: "The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the submittal of permit applications, whichever comes first." Ms. Bell added that this rezoning will end the nonconforming use on the lot.

Chairman Kruzan asked if the petitioner was present.

Ms. Laura Weishaar explained that her husband was on his way from Atlanta, and lived there for five years, and loves living in the area, and just wanted to build a shop in the backyard, and they agree with the right of way dedication to the county.

Mr. Danny England asked staff why this rezoning is needed.

Ms. Bell responded that building the accessory structure is triggering the change of

zoning because it doesn't meet the lot width at the building line, and it's a cleaning solution.

Chairman asked the audience if anyone else was in support or opposition, with no response, he brought the item back to the Board for questions.

*Danny England made the motion to recommend **CONDITIONAL APPROVAL** of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.*

10. Consideration of the Fayette County Planning Commission 2026 Calendar.

Ms. Bell mentioned the last item for the meeting was the approval of the 2026 Zoning Board of Appeals Calendar, and that, looking at holidays and for January and July meetings, will be moved to the second Thursday of the respective month due to the holiday schedule. She asked to re

Mr. Jim Oliver asked that they just need to recommend acceptance.

Ms. Bell responded Yes, Sir.

*John Culbreth, Sr., made the motion to **APPROVE** the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.*

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN KRUZAN, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION No (s): 1373-25
STAFF USE ONLY

SAGES REFERENCE No.: _____

APPLICANT INFORMATION

Name Kyle Weishaar
Address 211 Harp Rd
City Fayetteville
State GA Zip 30215
Email [REDACTED]
Phone 270-853-6316

PROPERTY OWNER INFORMATION

Name Kyle and Laura Weishaar
Address 211 Harp Rd
City Fayetteville
State GA Zip 30215
Email [REDACTED]
Phone 270-853-6316

AGENT(S) (if applicable)

Name Mark Wiggins
Address 1850 Brush Creek Rd
City Colbert
State GA Zip 30628
Email [REDACTED]
Phone 706-319-7985

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:
Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete
Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

Received from Kyle Weishaar a check in the amount of \$ 350⁰⁰ for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 10/13/2025

Receipt Number: 25449

MISCPZ-10-25-090544

PETITION No.: B73-25 Fees Due: \$350⁰⁰ Sign Deposit Due: \$20.00
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0504 049 Acreage: 7.442
Land District(s): 26th Land Lot(s): 5th
Road Name/Frontage L.F.: Harp Road Classification: Major Collector
Existing Use: Residentia I/Ag ricultur I Proposed Use: Residential/Agricultural
Structure(s): 1 Type: Residential Size in SF: 4161
Existing Zoning: A-R Proposed Zoning: R - 78
Existing Land Use: Residentia I Proposed Land Use: Residen tial
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0504 049

(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) 26th 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 7.442 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature] _____ Deborah M Sims _____
Signature of Property Owner 1 Signature of Notary Public Deborah M Sims
211 Harp Rd Fayetteville GA 30215 10/13/2025 Coweta County, GEORGIA
My Commission Expires 01/09/2027

[Signature] _____ Deborah M Sims _____
Signature of Property Owner 2 Signature of Notary Public Deborah M Sims
211 Harp Rd. Fayetteville, GA 30215 10/13/2025 Coweta County, GEORGIA
My Commission Expires 01/09/2027

Signature of Property Owner 3 Signature of Notary Public

Address Date

Signature of Authorized Agent Signature of Notary Public

Address Date

PETITION No.: 1373-25

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: Kyle Weishaar and Laura Weishaar

ADDRESS: 211 Harp Rd, Fayetteville, GA 30215

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

Kyle Weishaar and Laura Weishaar affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 350.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R - 78.

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 November 6th, 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of December 11th, 2025 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY OF October, 2025.

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

[Signature]

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Kyle Weishaar, Laura Weishaar, 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 Harp Rd as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 13th day of October, 2022.

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
SIGNATURE OF PROPERTY OWNER

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027
[Signature]
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 13th day of October, 2025
[Signature]

APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT**(Please check one)****Campaign contributions:** **No** **Yes (see attached disclosure report)**

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

①



Doc ID: 0111680002 Type: WD
Recorded: 01/26/2021 at 11:15:00 AM
Fee Amt: \$25.00 Page 1 of 2
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5202 PG 556-557



Doc ID: 0110765002 Type: WD
Recorded: 12/10/2020 at 11:20:00 AM
Fee Amt: \$640.00 Page 1 of 2
Transfer Tax: \$615.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5173 PG 3-4

Return Recorded Document to:
Wessels & Cerber, P.C.
500 Northlake Dr., Suite 101
Peachtree City, GA 30269
File 20P-0190

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 1st day of December, 2020, between Charles Wyatt Martin, Jr. and Delton Bruce Payne, County of FAYETTE and State of Georgia, of the first part, hereinafter called Grantors, and Kyle D. Weishaar and Laura S. Weishaar, as joint tenants with survivorship and not as tenants in common, as parties of the second part, hereinafter called Grantees (the words "Grantors" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantors, for and in consideration of the sum of **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 receipts 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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 26 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING THAT 7.745 ACRES, MORE OR LESS TRACT OF LAND SHOWN ON A PLAT OF SURVEY DATED AUGUST 31, 1987, PREPARED BY LUM C. HALL, REGISTERED LAND SURVEYOR FOR RON AND BRENDA HENSON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HARP ROAD, 660 FEET AS MEASURED NORTHEASTERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HARP ROAD FROM THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY OF HARP ROAD AND THE WEST LINE OF LAND LOT 26; RUNNING THENCE NORTH 19 DEGREES 29 MINUTES 28 SECONDS WEST, 1398.20 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 89 DEGREES 54 MINUTES 19 SECOND EAST 334.32 FEET TO A POINT; RUNNING THENCE SOUTH 35 DEGREES 45 MINUTES 00 SECONDS EAST 497.12 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 30 MINUTES 10 SECONDS WEST 444.84 FEET TO A POINT; RUNNING

Book: 5202 Page: 556 Seq: 1

THENCE SOUTH 35 DEGREES 45 MINUTES 00 SECONDS EAST 925 FEET TO AN IRON PIN ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HARP ROAD; RUNNING THENCE SOUTH 58 DEGREES 28 MINUTES 49 SECONDS ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HARP ROAD AND FOLLOWING THE CURVATURE THEREOF 303.67 FEET TO THE POINT OF BEGINNING.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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

IN WITNESS WHEREOF, the Grantors have hereunto set Grantors' hand and seal this day and year first above written.

Signed this 1st day of December, 2020,
in the presence of:

Becky Crawford
Unofficial Witness

Charles Wyatt Martin
Charles Wyatt Martin

[Signature]
Notary Public

[Signature]
Delton Bruce Payne

My commission expires 8/16/23



No modification of this Agreement or any waiver of any provision hereof shall be effective unless the same is in writing and signed by both parties.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, personal representatives, successors or assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
My Commission expires: [Notary Seal]
DEANNA NEWTON
NOTARY PUBLIC
MY COMMISSION EXPIRES 2027
17TH DAY OF SEPTEMBER
FAYETTE COUNTY, GEORGIA

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
My Commission expires: [Notary Seal]
DEBORAH A. BISHOP
NOTARY PUBLIC
MY COMMISSION EXPIRES 2027
22TH DAY OF DECEMBER
COWETA COUNTY, GEORGIA

CROSS:

[Signature] (SEAL)
SUZANNE CROSS

[Signature] (SEAL)
JOHNNY CROSS

WEISHAAR:

[Signature] (SEAL)
KYLE D. WEISHAAR

[Signature] (SEAL)
LAURA S. WEISHAAR

Type: AGRE
Recorded: 12/20/2024 1:01:00 PM
Fee Amt: \$25.00 Page 1 of 3
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 1232691668

BK 5789 PG 132 - 134

AFTER RECORDING RETURN TO:

Slepian & Schwartz
42 Eastbrook Bend
Peachtree City, Georgia 30269
Kerensa Davis

STATE OF GEORGIA
COUNTY OF FAYETTE

BOUNDARY LINE AGREEMENT

THIS AGREEMENT, made and entered into this 16 day of Dec, 2024, by and between **SUZANNE CROSS and JOHNNY CROSS** (hereinafter, referred to as "**Cross**") and **KYLE D. WEISHAAR and LAURA S. WEISHAAR** (hereinafter, referred to as "**WEISHAAR**") (the "Agreement").

WITNESSETH:

WHEREAS, Cross is the owner of a certain tract or parcel of land lying and being in Land Lot 26, 5th Land District, Fayette County, Georgia and more particularly described in Deed Book 5195, Page 44, Fayette County, Georgia records (the "Cross Property"); and,

WHEREAS, WEISHAAR is the owner of a certain tract or parcel of land lying and being in Land Lot 26, 5th Land District, Fayette County, Georgia and more particularly described in Deed Book 5202, Page 556, Fayette County, Georgia records (the "WEISHAAR Property"); and

WHEREAS, a survey depicting the original property lines between the Cross Property and the WEISHAAR Property and the new property lines between the Cross property and the WEISHAAR property prepared by Ronald T. Goodwin, Ga RLS 2696, of Four Corners Surveying, dated March 16, 2022 and is filed at Plat Book 52, Page 110, Fayette County, Georgia records and attached here as Exhibit "A" (the "Survey"); and

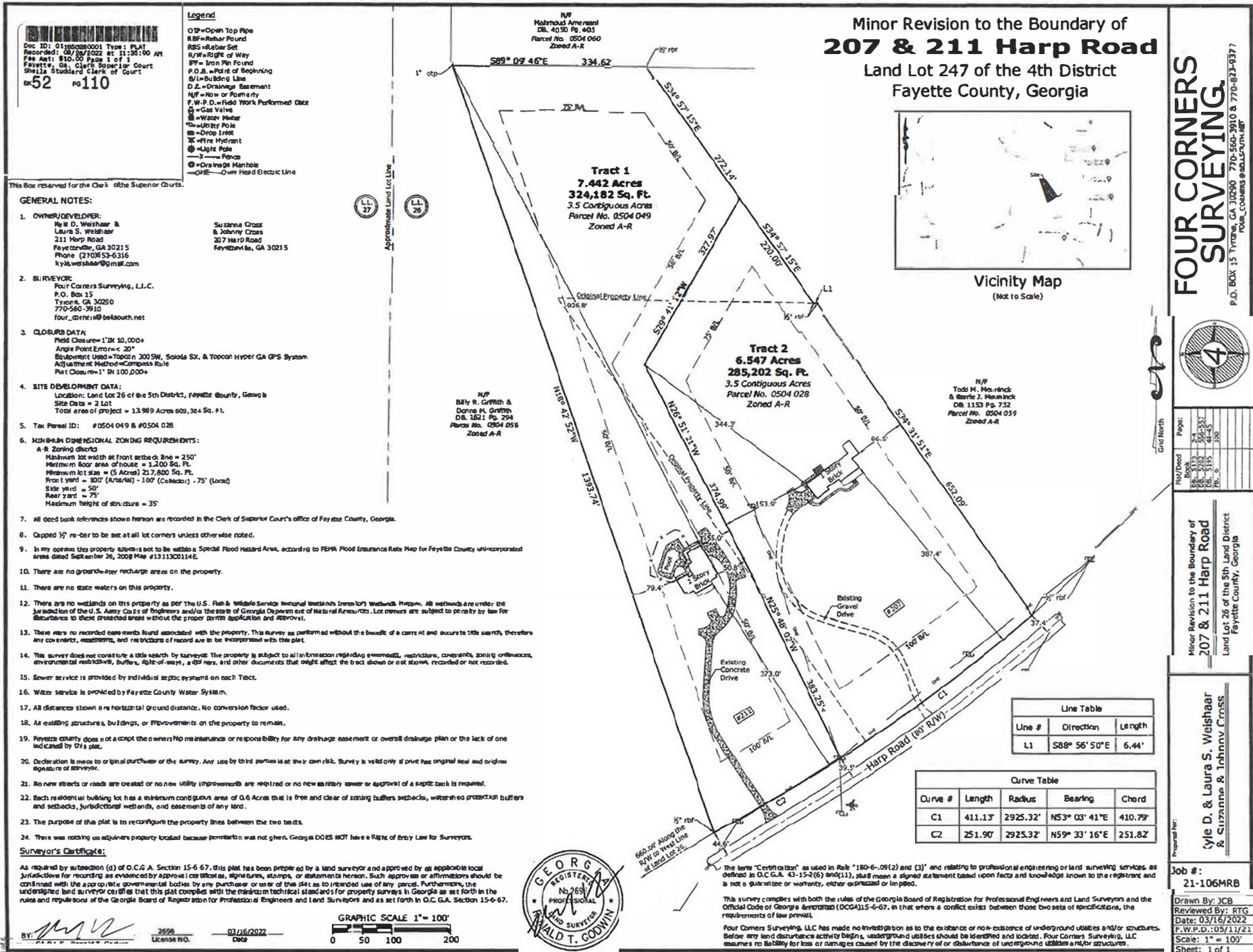
WHEREAS, the parties hereto desire to revise the southwestern property line of the Cross Property and the northwestern property line of the Cross Property as shown on the Survey; and

WHEREAS, on the same date herewith, Cross is transferring a portion of the Cross Property to WEISHAAR and WEISHAAR is transferring a portion of the WEISHAAR Property to Cross; and

NOW, THEREFORE, for and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The property lines shown in bold on the Survey are hereby established as the new property lines of the Cross Property (the "Common Boundary Lines").
2. Cross and WEISHAAR each quitclaim, remise and release to the other such areas respectively adjoining said Common Boundary Lines as may be required to establish the Common Boundary Lines.

Book: 5789 Page: 132 Seq: 1



FOUR CORNERS SURVEYING
P.O. Box 15 Tyrone, GA 30250 770-560-3910 & 770-623-9377
four_corners@bellsouth.net



Page: 110 of 110

Book	62
Page	110
Seq	1

Minor Revision to the Boundary of
207 & 211 Harp Road
Land Lot 26 of the 5th Land District
Fayette County, Georgia

Proposed By:
Lyle D. & Laura S. Welshaar & Suzanne & Johnny Cross

Job #:
21-106MRB

Drawn By: JCB
Reviewed By: RTG
Date: 03/16/2022
F.W.P.D.: 03/11/21
Scale: 1" = 100'
Sheet: 1 of 1

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

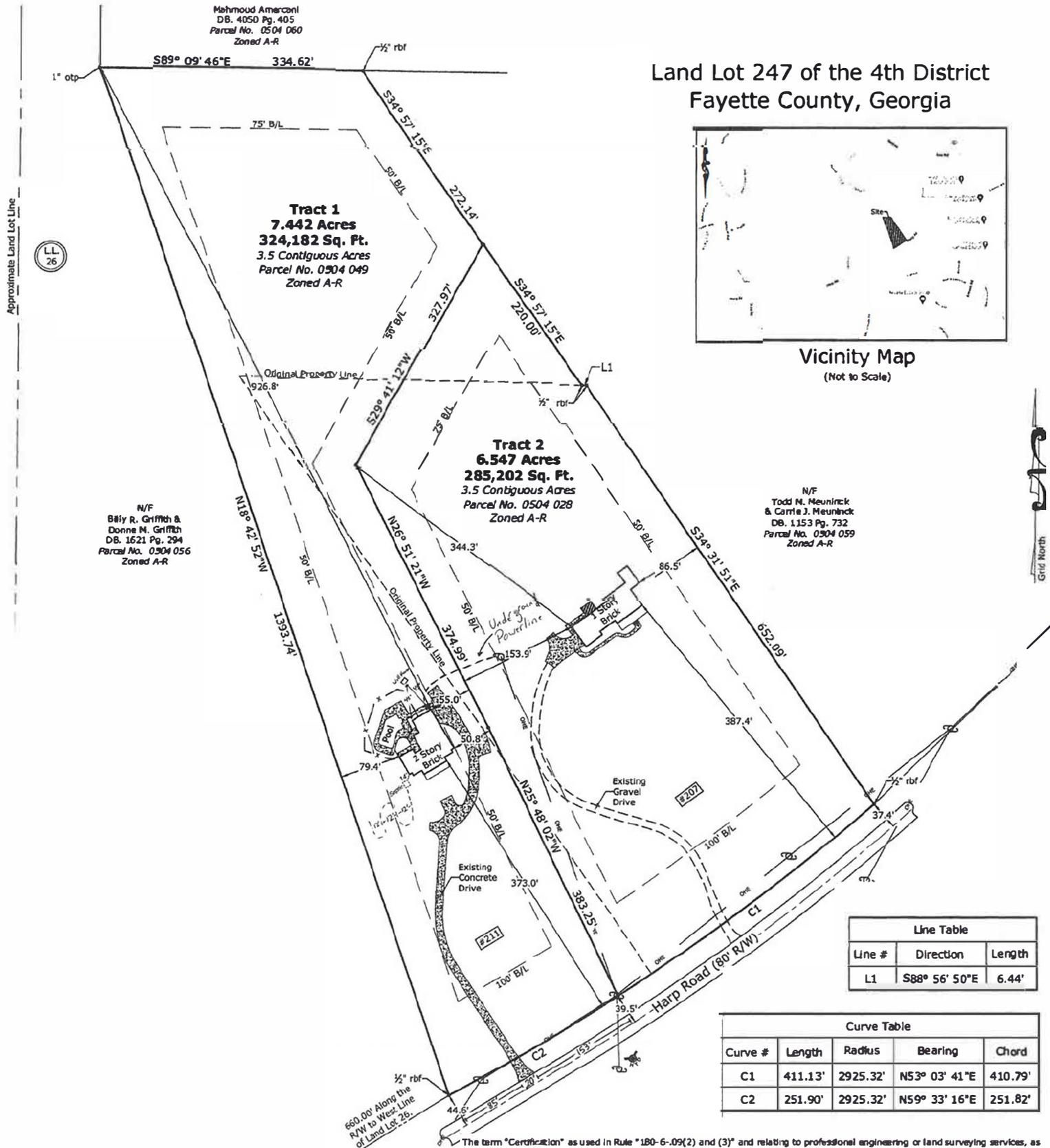
This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 43-15-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Four Corners Surveying, LLC has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery or disturbance of underground utilities and/or structures.

Land Lot 247 of the 4th District Fayette County, Georgia



Vicinity Map
(Not to Scale)



Mehmoud Amercani
DB. 4050 Pg. 405
Parcel No. 0504 D60
Zoned A-R

Tract 1
7.442 Acres
324,182 Sq. Ft.
3.5 Contiguous Acres
Parcel No. 0904 049
Zoned A-R

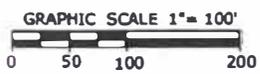
Tract 2
6.547 Acres
285,202 Sq. Ft.
3.5 Contiguous Acres
Parcel No. 0504 028
Zoned A-R

N/F
Billy R. Griffith &
Donne M. Griffith
DB. 1621 Pg. 294
Parcel No. 0904 056
Zoned A-R

N/F
Todd M. Heuninck
& Carita J. Heuninck
DB. 1153 Pg. 732
Parcel No. 0904 059
Zoned A-R

Line Table		
Line #	Direction	Length
L1	S88° 56' 50"E	6.44'

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	411.13'	2925.32'	N53° 03' 41"E	410.79'
C2	251.90'	2925.32'	N59° 33' 16"E	251.82'



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

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

Four Corners Surveying, LLC has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

To the members of the Zoning/Planning Commission,

As next-door neighbors, we appreciate Kyle and Laura and support the plans they have for their property. We have no concerns with their proposed zoning change from A-R to R-78 and are happy to see them moving forward.

Ryan Griffith

404-606-0839

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held
before the Fayette County Board
of Commissioners on Thursday,
January 22, 2026, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No: 1373-25

Parcel No: 0504 049

Owner: Kyle D. and Laura S.
Weishaar

Agent(s): Mark Wiggins

Zoning District: A-R

Area of Property: 7.442 acres

Land Lot(s)/District: Land Lot 26
of the 5th District

Fronts on: Harp Road

Proposed: Applicant proposes the
following: To rezone 7.442 acres
from A-R (Agricultural Residen-
tial Single Family) to R-78 (Single
Family Residential).

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

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 26 OF THE 5TH
LAND DISTRICT OF FAYETTE
COUNTY, GEORGIA, AND BEING
THAT 7.745 ACRES, MORE OR
LESS TRACT OF LAND SHOWN
ON A PLAT OF SURVEY DATED
AUGUST 31, 1987, PREPARED
BY LUM C. HALL, REGISTERED
LAND SURVEYOR FOR RON
AND BRENDA HENSON AND
BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS: BE-
GINNING AT A POINT ON THE
NORTHWESTERLY RIGHT-OF-
WAY LINE OF HARP ROAD, 660
FEET AS MEASURED NORTH-
EASTERLY ALONG THE NORTH-
WESTERLY RIGHT-OF-WAY
LINE OF HARP ROAD FROM
THE INTERSECTION OF THE
NORTHWESTERLY RIGHT-OF-
WAY OF HARP ROAD AND THE
WEST LINE OF LAND LOT 26;
RUNNING THENCE NORTH
19 DEGREES 29 MINUTES 28
SECONDS WEST, 1398.20 FEET
TO AN IRON PIN; RUNNING
THENCE SOUTH 89 DEGREES
54 MINUTES 19 SECOND EAST
334.32 FEET TO A POINT; RUN-
NING

THENCE SOUTH 35 DEGREES
45 MINUTES 00 SECONDS EAST
497.12 FEET TO A POINT; RUN-
NING THENCE NORTH 89 DE-
GREES 30 MINUTES 10 SECONDS
WEST 444.84 FEET TO A POINT;
RUNNING THENCE SOUTH
35 DEGREES 45 MINUTES 00
SECONDS EAST 925 FEET TO
AN IRON PIN ON THE NORTH-
WESTERLY RIGHT-OF-WAY
LINE OF HARP ROAD; RUNNING
THENCE SOUTH 58 DEGREES 28
MINUTES 49 SECONDS ALONG
THE NORTHWESTERLY RIGHT-
OF-WAY LINE OF HARP ROAD
AND FOLLOWING THE CURVA-

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1369-25-A, Parcel 0433 049; McCotter Family Trust, owner, requests to rezone 3.00 acres from R-45 (Single-Family Residential) to A-R (Agricultural-Residential). The property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Background/History/Details:

The subject property is currently zoned R-45. It is one of two parcels rezoned from A-R to R-45, Conditional, under Petition No. 810-92, which was approved October 22, 1992. Tract 2 is developed with a single-family residence, and Tract 1 is undeveloped. The condition attached to the R-45 rezoning simply restricted the project to the development of 2 lots. The applicants are requesting to rezone two parcels to A-R, with the intent of combining them into a single parcel that will meet the dimensional requirements of A-R zoning district.

On December 4, 2025, the Planning Commission voted unanimously to recommend CONDITIONAL APPROVAL of the request to rezone from R-45 to A-R. Jim Oliver made a motion to recommend conditional approval of Petition 1369-25-A. Boris Thomas seconded the motion. The motion carried 5-0.

Condition: 1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first.

What action are you seeking from the Board of Commissioners?

Consideration of Petition 1369-25-A, Parcel 0433 049; McCotter Family Trust, owner, requests to rezone 3.00 acres from R-45 (Single-Family Residential) to A-R (Agricultural-Residential). The property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1369-25-B, Parcel 0433 051; McCotter Family Trust, owner, requests to rezone 3.00 acres from R-45 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Background/History/Details:

The subject property is currently zoned R-45. It is one of two parcels rezoned from A-R to R-45, Conditional, under Petition No. 810-92, which was approved October 22, 1992. Tract 2 is developed with a single-family residence, and Tract 1 is undeveloped. The condition attached to the R-45 rezoning simply restricted the project to the development of 2 lots. The applicants are requesting to rezone two parcels to A-R, with the intent of combining them into a single parcel that will meet the dimensional requirements of A-R zoning district.

On December 4, 2025, the Planning Commission voted unanimously to recommend CONDITIONAL APPROVAL of the request to rezone from R-45 to A-R. Jim Oliver made a motion to recommend conditional approval of Petition 1369-25-B. Danny England seconded the motion. The motion carried 5-0.

Condition: 1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first.

What action are you seeking from the Board of Commissioners?

Consideration of Petition 1369-25-B, Parcel 0433 051; McCotter Family Trust, owner, requests to rezone 3.00 acres from R-45 (Single-Family Residential) to A-R (Agricultural-Residential); property located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION No. 1369-25-A

REQUESTED ACTION: A. Rezone Parcel No. 0433 049 (3.00 acres) from R-45 (Single-Family Residential) to A-R (Agriculture-Residential); this parcel is labelled Tract 2 in the attached survey.

EXISTING ZONING: R-45

PROPOSED ZONING: A-R

EXISTING USE: Single-Family Residential

PROPOSED USE: Agriculture-Residential

LOCATION: 229 Fletcher Ford Road

LOT SIZE: 3.00 Acres

DISTRICT/LAND LOT(S): 4th District, Land Lot(s) 183

OWNER(S): McCotter Family Trust

APPLICANT(S): Tate McCotter and Stacey McCotter, Trustees

AGENT(S): N/A

PLANNING COMMISSION PUBLIC HEARING: *December 4, 2025, at 7:00 PM, (Tabled from the Planning Commission Hearing on November 6, 2025.)*

BOARD OF COMMISSIONERS PUBLIC HEARING: *February 26, 2026, at 5:00 PM*

REQUEST: The applicants are requesting to rezone two parcels to A-R, with the intent of combining them into a single parcel that will meet the dimensional requirements of A-R zoning district.

STAFF ASSESSMENT & RECOMMENDATION

As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Agricultural-Residential is designated for this area, so the request for A-R zoning district is appropriate. In their current configuration, neither parcel meets the minimum lot size for the A-R zoning. Therefore, conditions are recommended to ensure they are combined, which will resolve this issue.

1369-25-A - Based on the Staff Analysis, Planning & Zoning Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of A-R, Agricultural-Residential, subject to the following:

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first.

PLANNING COMMISSION RECOMMENDATION: On December 4, 2025, the Planning Commission voted unanimously to recommend **CONDITIONAL APPROVAL** of the request to rezone from R-45 to A-R. Jim Oliver made a motion to recommend conditional approval of Petition 1369-25-A, subject to conditions as presented by staff. Boris Thomas seconded the motion. The motion carried 5-0.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject properties are currently zoned R-45. They were rezoned from A-R to R-45, Conditional, under Petition No. 810-92, which was approved October 22, 1992. Tract 2 is developed with a single-family residence, and Tract 1 is undeveloped. The condition attached to the R-45 rezoning simply restricted the project to the development of 2 lots.

B. ADJACENT ZONING AND FUTURE LAND USE

Most of the property in the surrounding area is zoned A-R, Agricultural-Residential. The Future Land Use Map for this property and all the surrounding properties is Agriculture-Residential, 1 Unit/5 Acres. See the attached Zoning Map and Future Land Use Map for additional details.

Direction	Acreage	Zoning	Use	Future Land Use Plan
North	100+	A-R	Agricultural-Residential	Agricultural-Residential (1 unit /5 acres)
East	100+	A-R	Agricultural-Residential	Agricultural-Residential (1 unit /5 acres)
South (across Fletcher Ford Road)	100+	A-R	Agricultural-Residential	Agricultural-Residential (1 unit /5 acres)
West	100+	A-R	Agricultural-Residential	Agricultural-Residential (1 unit /5 acres)

C. DEPARTMENTAL COMMENTS

- Water System** – No objections.
- Public Works/Environmental Management** – No objections.
 - **Road Frontage Right of Way Dedication** – Fletcher Ford Road is a prescriptive easement gravel road in Fayette County. With no density increase through rezoning a combination plat will not require a dedication of right of way.
 - **Traffic Data** – Fayette County does not have any recorded traffic data for this roadway.
 - **Sight Distance and access** – Fletcher Ford Road is a county local road with a 25mp speed limit. Sight Distance of 280 feet would be required for any additional driveway access requested.
 - **Floodplain Management** -- The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0160E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** -- There **ARE NOT** state waters located on the subject property, and it **WILL BE** subject to the Fayette County Article VII Watershed Protection Ordinance.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.

- **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface for a Major Final Plat.
- Fire** - No comments.
- Environmental Health** - This office has no objection to the proposed rezoning.
- GDOT** - Not applicable, not on State Route.

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 Agricultural-Residential Uses. This request does conform to the Fayette County Comprehensive Plan.
2. The area around the subject property is an area that already has various residential and agricultural uses. Staff does not anticipate that this rezoning will have an adverse impact on the adjacent parcels.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and rural residential.

ZONING DISTRICT STANDARDS

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

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

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

- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter);
- (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
- (4) Plant nurseries and greenhouses (no sales of related garden supplies);
- (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
- (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.

(c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:

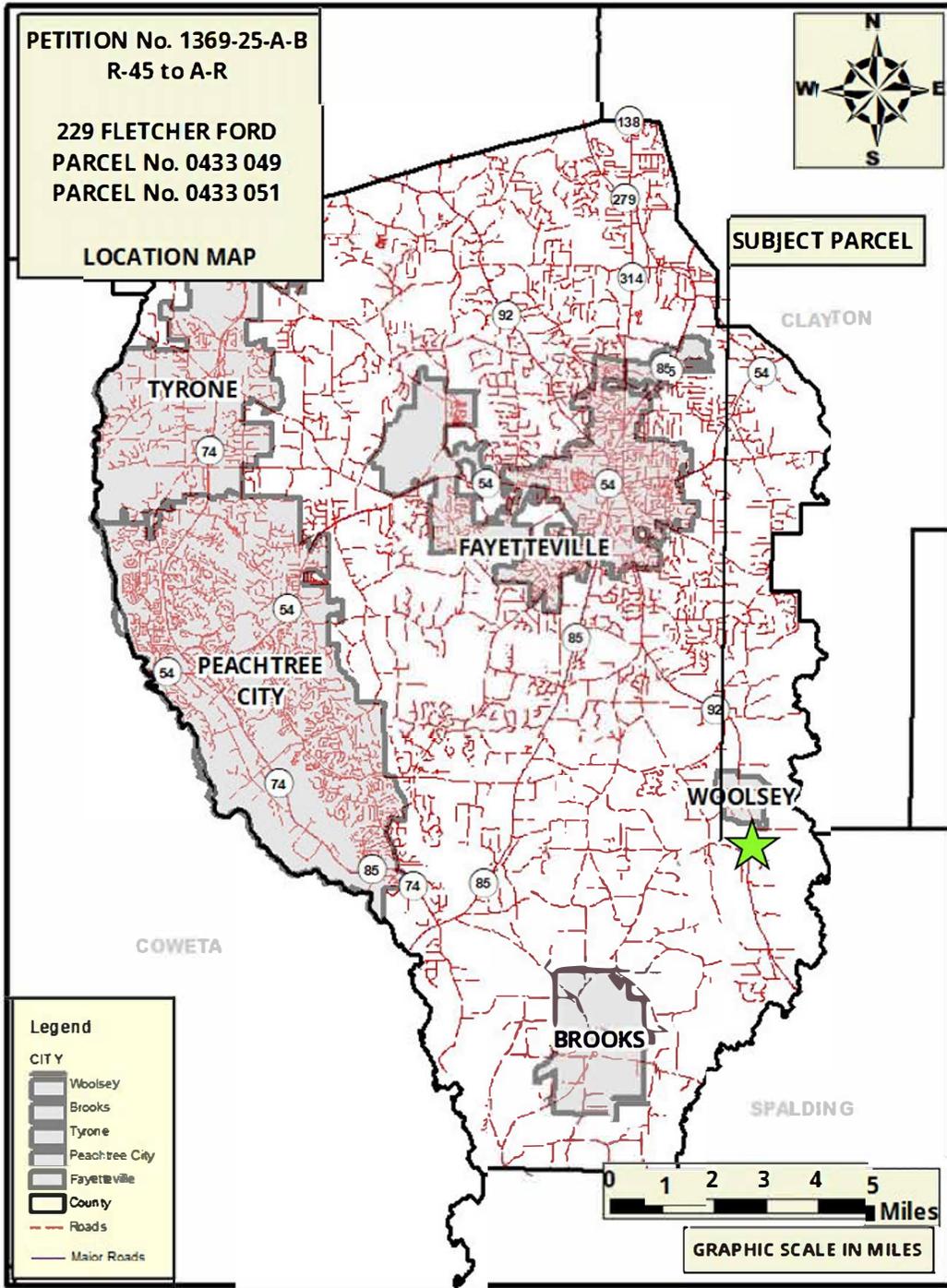
- (1) Aircraft landing area;
- (2) Animal hospital, kennel or veterinary clinic;
- (3) A-R bed and breakfast inn;
- (4) A-R wedding/event facility;
- (5) Cemetery;
- (6) Church and/or other place of worship;
- (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
- (8) Commercial driving range and related accessories;
- (9) Child care facility;
- (10) Deer processing facility.
- (11) Developed residential recreational/amenity areas;
- (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
- (13) Golf course (minimum 18-hole regulation) and related accessories;
- (14) Home occupation;
- (15) Horse show, rodeo, carnival, and/or community fair;
- (16) Hospital;
- (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
- (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

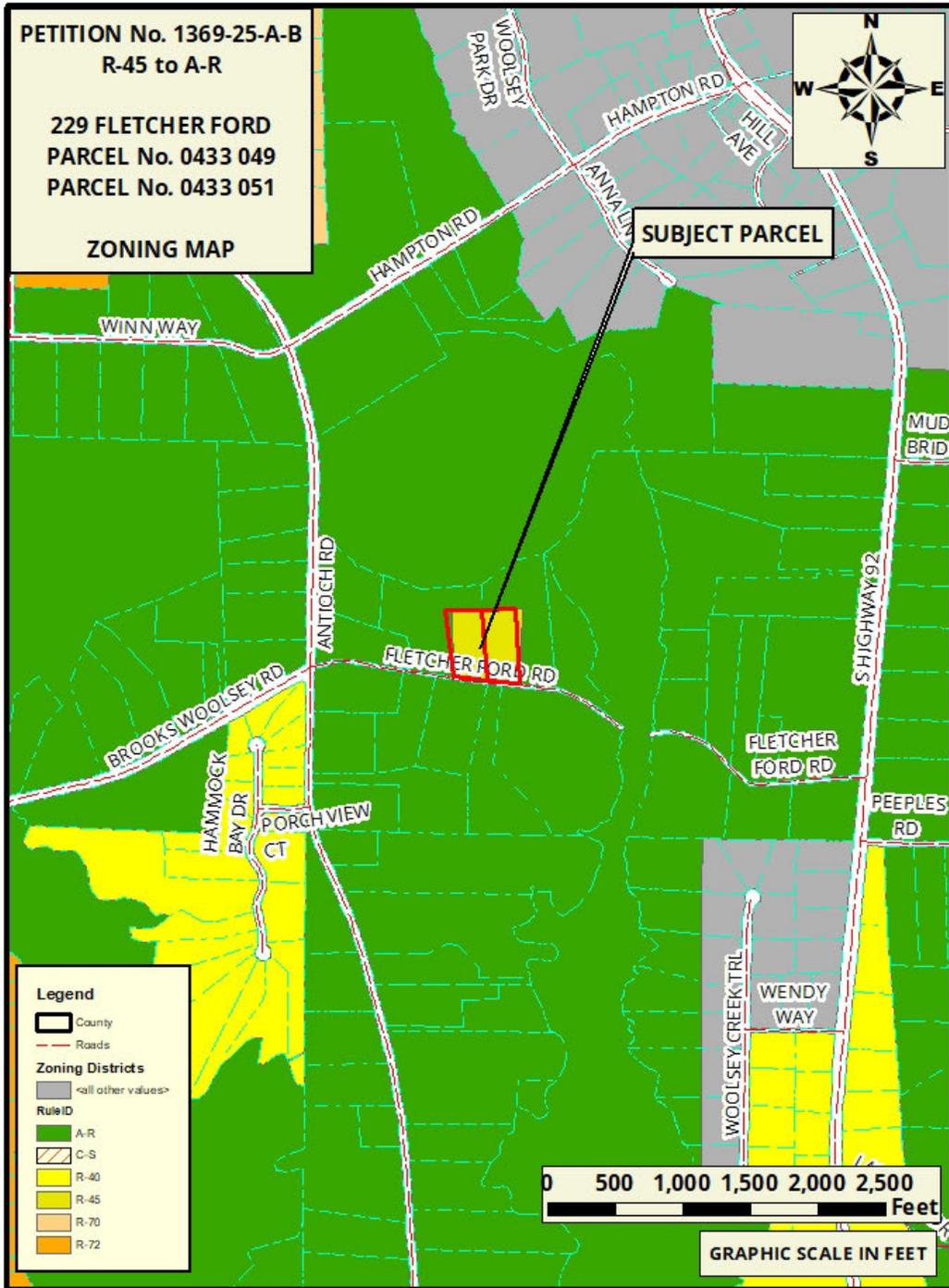
- (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
- (21) Religious tent meeting; and
- (22) Shooting range, outdoor.

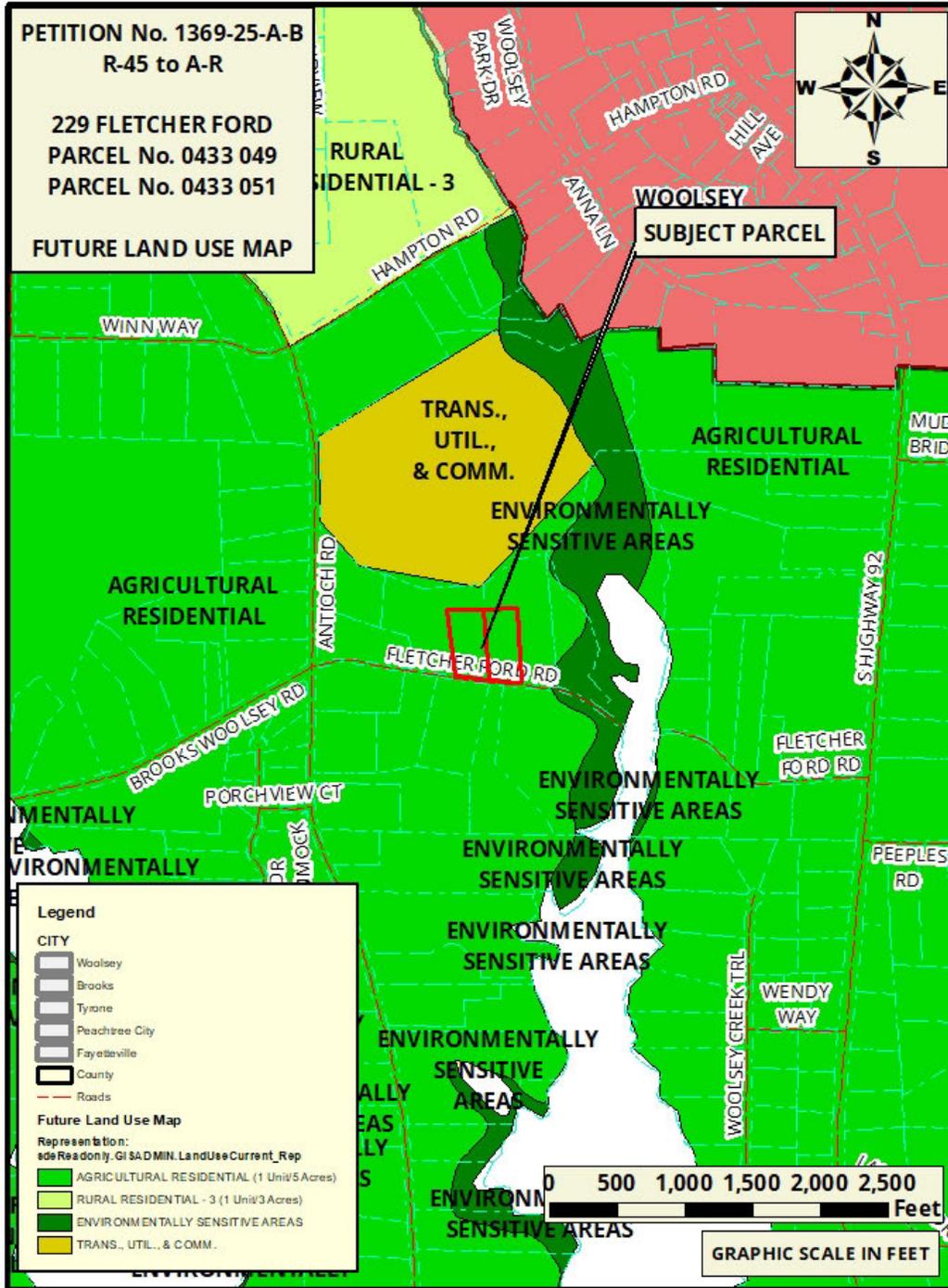
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

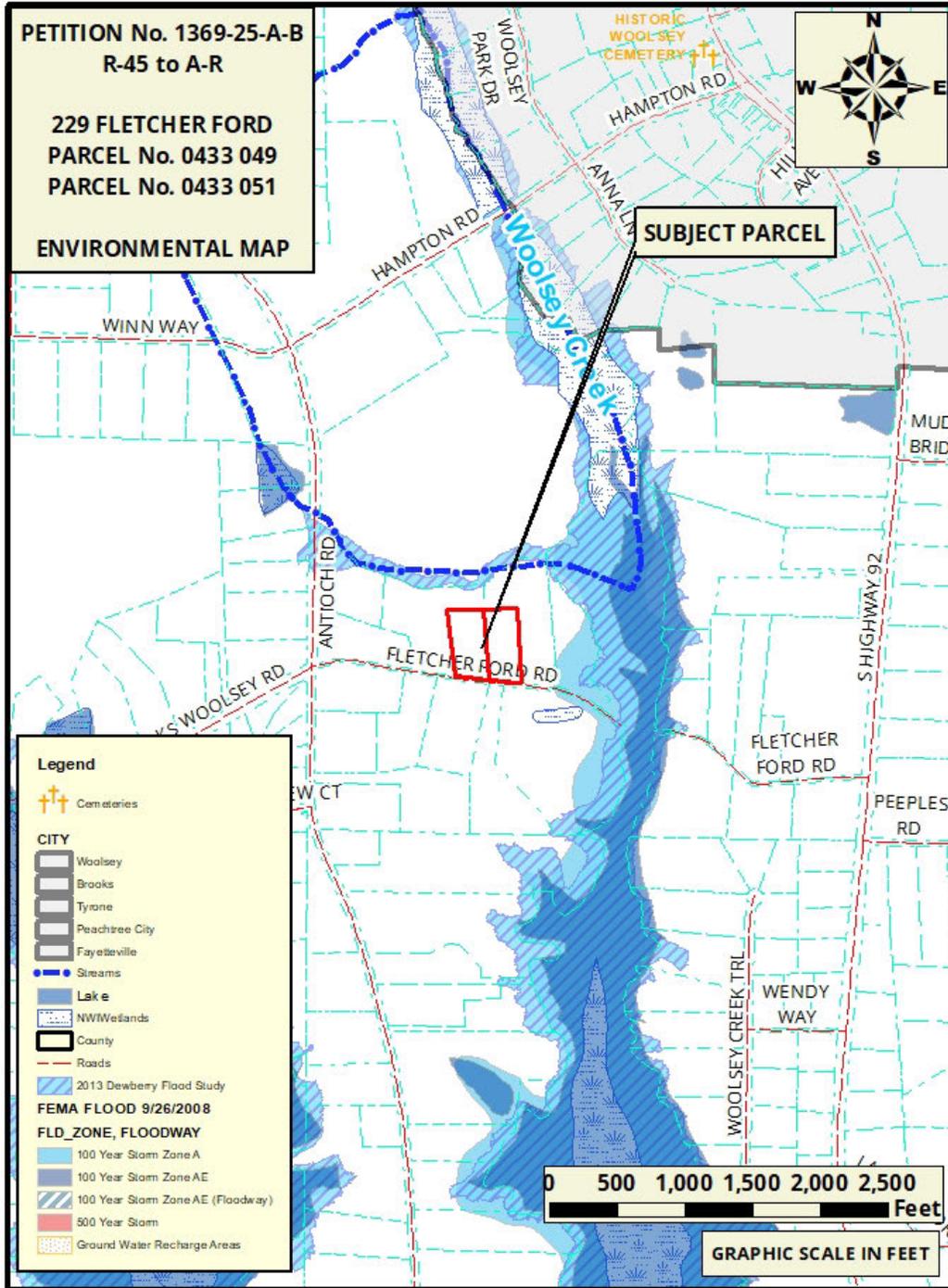
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.
- (7) Building height.
 - a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.

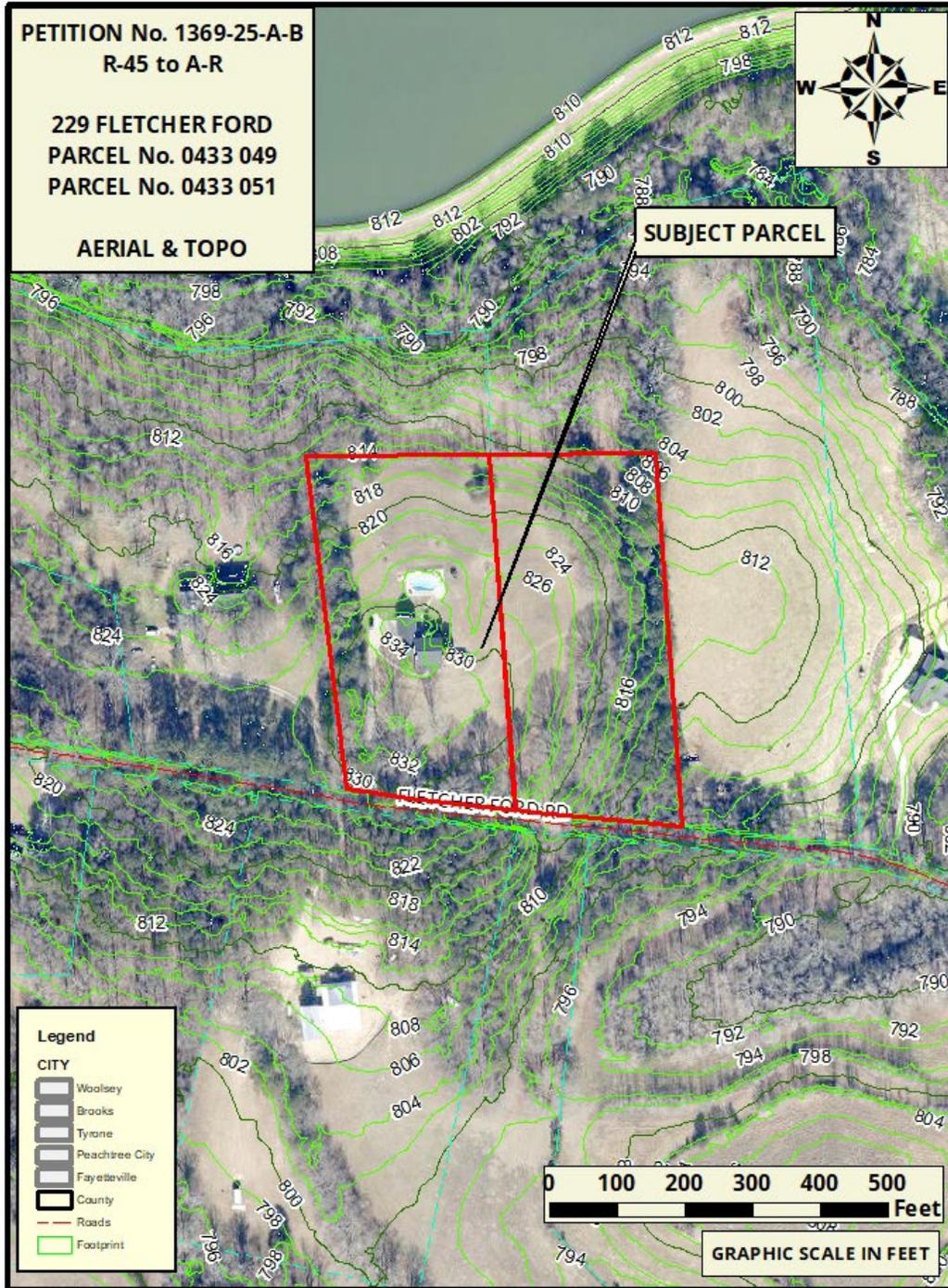
(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.



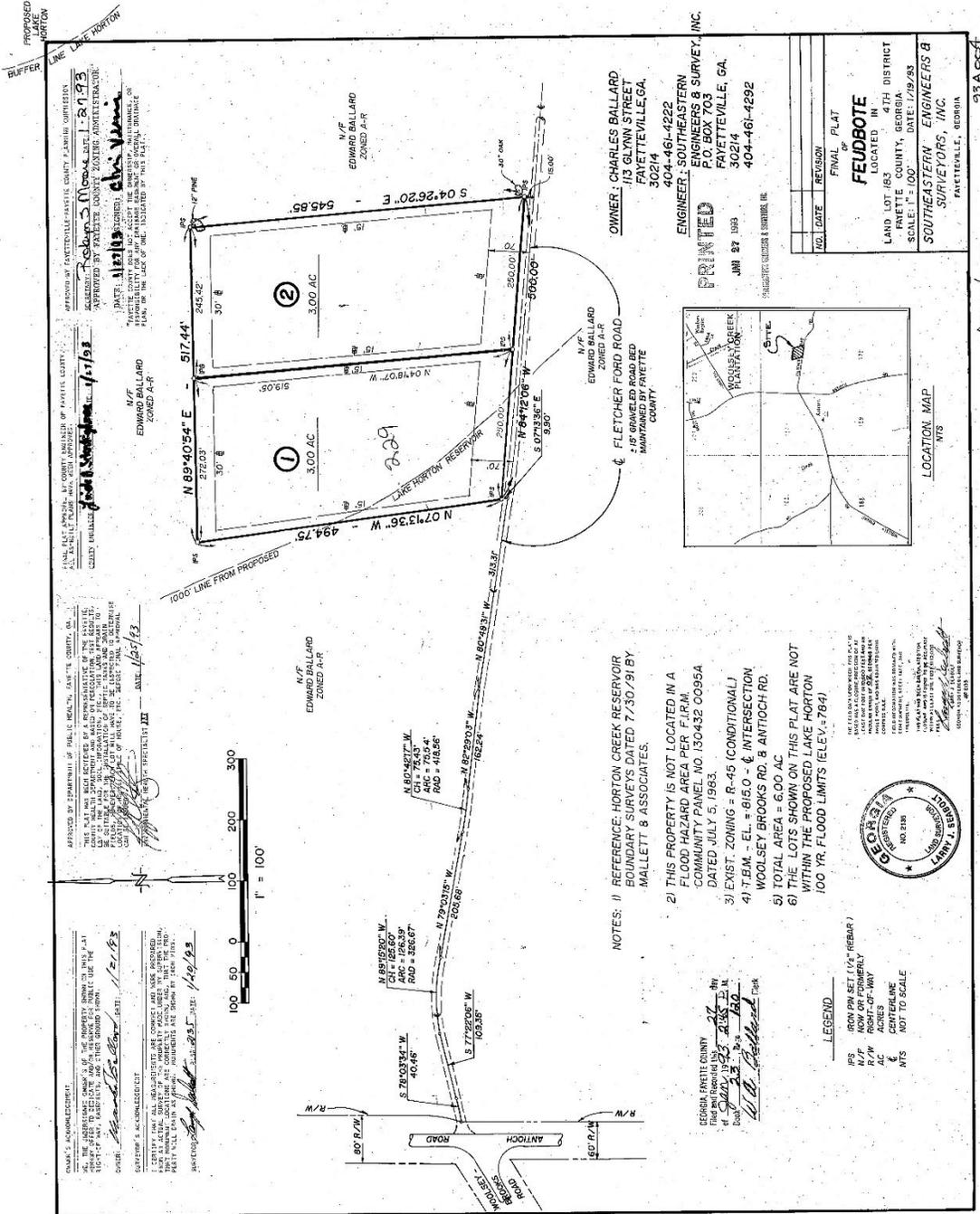








FEUDBOLE



BOARD MEMBERS

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

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 04, 2025
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to change items number 7 and 8 (Petitions No. 1372-25-A and B) to number 1 and 2. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. *Consideration of Petition 1372-25-A, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.*

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North. ***John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0.***
3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. ***Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.***
4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road. ***Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0***
5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.***
6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.***
7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road. ***John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.***
8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138. ***Danny England made the motion to recommend APPROVAL of***

Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road. ***Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.***

10. Consideration of the Fayette County Planning Commission 2026 Calendar. ***John Culbreth, Sr., made the motion to APPROVE the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.***

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

Meeting Minutes 12/04/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on December 4th, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the December 4, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Ms. Deborah Bell amended the agenda to renumber items 7 and 8 (Petitions No. 1372-25-A and B) to 1 and 2, respectively. John H. Culbreth, Sr., made a motion to approve the amended agenda with the changes. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on November 6, 2025. *Jim Oliver made a motion to approve the minutes of the meeting held on November 6, 2025. John H. Culbreth seconded the motion. The motion carried 5-0.*
5. Plats. *No Plats were presented on the December 4, 2025, hearing.*

PUBLIC HEARING

1. ***Consideration of Petition 1372-25-A***, 1246 Highway 314, Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 011 (45.412 acres) Tract I, from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Ms. Debbie Bell stated that items 1 and 2 (1372-25-A and 1372-25-B) are adjacent parcels for the same request, but they will require individual hearings. She read the description for both parcels and also mentioned the smaller lot is a legal nonconforming lot and, as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Low Density Residential is designated for this area, so the request for A-R zoning, which is a lower density district, is appropriate. Parcel 1306-117 (4.738 acres) does not meet the minimum lot size for the A-R zoning. Therefore, a condition is recommended to ensure it is combined with the larger parcel, which will resolve this issue. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends conditional approval of the request for a zoning of A-R, Agricultural-Residential: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first."

Chairman John Kruzan asked if the petitioner was present.

Mr. Randy Boyd, representative. – Explained, Mr. Hill asked him to represent him on this petition. He knew the petition was denied back in August and read a letter from Mr. Hill where he has previously sent it in response to one of the neighbors asking about the rezoning where he stated he was the owner of the property in question and he's a member of the North Fayette Homeowners Association, and wanted to rezone it to support a lower impact in the community such as licensed private fishing, small event wedding, and the use of the house as a bed and breakfast, and added will not exceed the allow parking spaces to manage traffic flow and preserve the neighborhoods area. The house was built in 1958, and they decided to sell it after the state required significant updates to the Lake Drainage System, a cost they couldn't afford, and they have already taken steps toward it.

Chairman Kruzan asked if anyone was in support of the petitions, with no response, then he asked if anyone was in opposition to come to the podium and speak.

Mr. Danny England asked staff what differences from the last time the board heard the petition back in August.

Ms. Bell responded that nothing has changed since the petitioner withdrew from the Board of Commissioners Meeting after the previous Planning Commission Meeting and re-applied.

Mr. England asked in the last meeting, staff recommendation was for denial, and now it's conditional approval. Is that correct?

Ms. Bell responded that the staff recommendation was for conditional approval at that time; nothing has changed since the last meeting.

Mr. England wanted to make sure he was not missing something; no other changes were made.

Ms. Gail Raby requested to denied both petitions, the surrounding neighborhoods had expressed their concerns back in August and opposed having a business at that address, believing it would increase the traffic in the area, and that becoming A-R zoning would bring a variety of businesses bringing a lot of noise something Mr. Xavier doesn't understands because he doesn't live in the community or the county. She stated that the properties in question have three access points (two from Highway 314 and one in LaFayette Estates), compromise someone getting hit while walking. Ms. Gail expressed her concerns about Mr. Hill selling parts of the property to other businesses with other uses and expressed what's happening right now with the big lights at the front of the property and mobile parties that, according to her, are causing a lot of discomfort and safety concerns. She asked the board to deny both petitions.

Ms. Marcelle English stated that she and her mother are opposed to this rezoning and expressed that neither Mr. Hill nor her mother resides within the property and stated that when he rents it to third parties, and potential uses under the A-R zoning where he has no control over security, trash, noise, or traffic, in reality, to run a business at that property.

Ms. Alice Jones mentioned she has remorse about the Rick Ross property, also A-R zoning and the impact within the community. Spoke about the traffic increase, getting in and out of the subdivisions, and being one of the founders of the North Fayette Community Association, where she thinks Mr. Hill has been in an appeal meeting for this proposal. Ms. Jones asked the board to deny both petitions.

Mr. Walter Metzger stated he has no problem developing the property for residential use. He resides across the street from Mr. Hill's property and mentioned he has several events, loud music that he can hear inside his house. He stated that if rezoned will come with different uses and you will still have the noise and more traffic that will bring the house's value down.

Ms. Tonya Conley questioned why we are still considering these petitions, explaining that she resides to the left of the properties and she mentioned that the noise is being heard and said someone from the previous meeting, from LaFayette, speaking about someone who put out signs about refurbishing the lake and the runoff that was to be expected in his subdivision, and to create an additional road.

Mr. William Walker spoke about his concerns with data center developments in the area, and he doesn't know if this property will become one.

Mr. Randy Boyd spoke in rebuttal and stated that the petitioner completely withdrawn the

previous request. He mentioned noise limits and under the current zoning (R-40), certain conditional uses can be developed, like a church, private school, etc., and will have an impact on traffic, likewise. He stated he had a very short time to research the property, and regarding the lake he stated it will have to be done by being categorized as a category one lake because if it fails, it will be a loss of life. Mr. Boyd called the board for approval for a less intense use.

Since there are two separate petitions (1372-25-A and 1372-25-B) for two different parcels that are adjacent to each other, the Board will need to hear two separate hearings for each request. The same opposition comments were stated by the residents whose names had previously been spoken.

Mr. Jim Oliver asked Mr. Randy Boyd if they had any problems with the conditions posted on the recommendation for each petition.

Mr. Boyd responded No.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-A. Danny England seconded the motion. The motion passed 5-0.

2. ***Consideration of Petition 1372-25-B***, 1246 Highway 314 Fayette Co, LLC, Owner, is requesting to rezone Parcel No. 1306 117 (4.738 acres) Tract II, from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 219 of the 13th District and fronts Highway 314 North.

Chairman Kruzan asked the board if they had any questions or comments, and if not, to proceed with a motion for petition 1372-25-B.

John Culbreth, Sr., made the motion to DENY Petition 1372-25-B. Danny England seconded the motion. The motion passed 5-0

3. ***Consideration of Amendments to Chapter 110***. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing.

Ms. Bell explained that under public hearings, the state changed the advertising requirements for variance two years ago, where the ads had to be run 30-45 days before a variance could be heard, and this new change from 15 but not more than 45 calendar days will make it easier to fit those advertisements into the agendas.

Mr. John Culbreth, Sr., asked staff if the state changed its rule.

Ms. Bell responded to certain things that zoning has to meet the state zoning procedure laws and the advertisements for rezonings, if one of those falls under different sections under O.C.G.A.'s and this will be brought into alignment with a recent amendment to the state code.

Chairman Kruzan asked if anyone wanted to speak in support or opposition to the

request, but with no response, he brought it back to the board for questions or a motion.

Jim Oliver made the motion to recommend APPROVAL of Amendment to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeal. Sec.110-241.- Public Hearing. John Culbreth, Sr., seconded the motion. The motion passed unanimously.

4. ***Consideration of Petition 1368-25***, Stuart Reagan and Laura K. Reagan, Owners, are requesting to rezone 8.053 acres from R-70 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 75 of the 7th District and fronts Sun Road.

Ms. Bell stated the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district, as does the existing house. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since A-R is a less intense/lower density zoning, the request to rezone to the A-R zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends approval of the request to rezone to A-R.

Ms. Laura Reagan stated that previously, they had requested a variance to build a running shelter on each of their fenced pastures and already had two horses. The main request for this new variance is for her to have more chickens.

Ms. Bell explained that the reading of the ordinance in the A-R zoning allows you to have horses, but you have to have ten acres to have a horse shelter.

Chairman Kruzan asked if anyone was in support or opposition of the request. No one responded, brought the item back to the board for questions, or made a motion.

Jim Oliver made the motion to recommend APPROVAL of Petition 1368-25. Danny England seconded the motion. The motion passed 5-0

5. ***Consideration of Petition 1369-25-A***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 049, Tract 2, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Ms. Bell read both petitions' requests (1369-25-A and 1369-25-B) together since the parcels are adjacent parcels for the same request, but they will require individual hearings. Ms. Bell stated that the owner wanted to build a shelter for their horse and that the Comprehensive Plan's Future Land Use Plan in the A-R zoning is appropriate and recommends conditional approval: "All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a building permit, whichever comes first" for both parcels.

Chairman Kruzan asked if the petitioner was present.

Mr. McCotter stated was given a horse from the neighbor she couldn't take care of after the passing of her husband, and by combining both parcels, will resolve the issue.

Mr. Oliver asked the petitioner if he had any problems with the conditions that are required to comply with the conditional approval.

Mr. McCotter responded No.

Chairman Kruzan asked if anyone else wanted to speak in support or opposition of the petition, but no one responded. He brought the item back to the Board for questions or to make a motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-A. Boris Thomas seconded the motion. The motion passed unanimously.

6. ***Consideration of Petition 1369-25-B***, The McCotter Family Trust, Owner, is requesting to rezone 3.00 acres of Parcel No. 0433 051, Tract 1, from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lot 183 of the 4th District and fronts Fletcher Ford Road.

Same petition from above, Ms. Bell read the description of this petition.

Chairman Kruzan asked if anyone was in support or opposition of the petition, with no answer, he brought the item back to the board for questions or motion.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1369-25-B. Danny England seconded the motion. The motion passed unanimously.

7. ***Consideration of Petition 1370-25***, Jean Allen Living Trust, Jerome Allen POA, is requesting to rezone 6.00 acres of Parcel No. 0448 013 from A-R Agricultural-Residential (Single-Family) to R-80 (Single-Family). Property is located in Land Lot 249 of the 4th District and fronts Antioch Road.

Ms. Bell read the description above and said the parcel is a legal lot of record and meets A-R zoning requirements, and is designated as Rural Residential-3, which has a 3-acre minimum. A request to rezone R-80 aligns with the Future Land Use Map and Comprehensive Plan. However, the existing house does not meet R-80 setback (21.88 feet instead of 30 feet) or minimum floor area (1724 square feet instead of 2500 square feet) requirements, but is a legal nonconforming structure. Staff recommends conditional approval for the rezoning, requiring the applicant to obtain a variance for the floor area or modify the house within 180 days before any final applications and to obtain a variance to the side yard setback in the R-80 or to modify the house within 180 calendar days pr before applying for any final plats or permits, whichever comes first.

Mr. Jean Allen stated the house was built years ago and everything was zoned A-R, and he wanted to get it rezoned to R-80.

Mr. Oliver asked the petitioner if he was okay with the conditions staff recommended. And if he wanted to rezone the property for himself?

Mr. Allen responded yes and said it was for family members.

With no further comments or questions from the Board they moved for a motion

John Culbreth, Sr., made the motion to recommend CONDITIONAL APPROVAL of Petition 1370-25. Danny England seconded the motion. The motion passed 5-0.

8. ***Consideration of Petition 1371-25***, CK 138, LLC, Owner, is requesting to rezone 15.733 acres from R-40 (Single-Family) to C-H (Highway Commercial) for future office development. Property is located in Land Lot 198 of the 13th District and fronts Highway 138.

Ms. Bell stated that, as defined in the Fayette County Comprehensive Plan General Business Use is designated for this area and because the property is adjacent to C-H zoned properties and uses staff recommended approval for this rezoning to C-H, Highway Commercial.

Ms. Ellen Smith, representative with the law office of Parker Poe, explained that his client owns the self-storage next door to this parcel that was acquired in 2021 and got properly rezoned, its ninety-four leases; it's the third property owned by the same client, and would like to do the same project for this new petition, where the back side of the property will be additional self storage with some RV parking in the back and additional building at the front to shield that. She showed photos of the concept plan.

Mr. Chris Poholek added that when you are in front of the property, you can not see the self-storage part in the back, and it will have some retail uses at the front.

Chairman John Kruzan asked if anyone else was in support or opposition of the petition, with no response, he brought the item to the Board for questions.

Mr. John Culbreth, Sr., asked Ms. Smith if there was already an existing storage facility developed there.

Ms. Smith responded to the property that was originally a twenty-two-acre parcel and seven acres were developed in the adjacent parcel, stating they rezoned only that part and now they want the same with this petition.

Mr. Culbreth asked if it was the same owner.

Ms. Smith responded Yes.

Mr. Danny Englan asked if they would be conjoint.

Mr. Poholek responded yes, they will use the same curbcut and will be a gate with an access code, it will mirror the development already there.

Mr. England asked if the detention pond would be large enough to handle the new addition.

Mr. Poholek responded that they haven't studied that, but the options are to enlarge or to build a separate pond in the backyard.

Chairman Kruzan asked the Board if there were any other questions or to entertain a motion.

Danny England made the motion to recommend APPROVAL of Petition 1371-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

9. ***Consideration of Petition 1373-25***, Kyle D. Weishaar and Laura S. Weishaar, Owners, are requesting to rezone 7.745 acres from A-R Agricultural-Residential (Single-Family) to R-78 Single-family Residential. Property is located in Land Lot 26 of the 5th District and fronts Harp Road.

Ms. Bell stated the lot is a legal nonconforming lot and meets or exceeds all the requirements of the R-78 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. The request to rezone to R-78 is consistent with the Future Land Use Map and the Comprehensive Plan. At 4161 SF, the existing house on the parcel DOES meet/exceed the dimensional requirements for R-78 for minimum floor area and it meets all building setback requirements, staff recommends conditional approval: "The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Harp Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the submittal of permit applications, whichever comes first." Ms. Bell added that this rezoning will end the nonconforming use on the lot.

Chairman Kruzan asked if the petitioner was present.

Ms. Laura Weishaar explained that her husband was on his way from Atlanta, and lived there for five years, and loves living in the area, and just wanted to build a shop in the backyard, and they agree with the right of way dedication to the county.

Mr. Danny England asked staff why this rezoning is needed.

Ms. Bell responded that building the accessory structure is triggering the change of

zoning because it doesn't meet the lot width at the building line, and it's a cleaning solution.

Chairman asked the audience if anyone else was in support or opposition, with no response, he brought the item back to the Board for questions.

*Danny England made the motion to recommend **CONDITIONAL APPROVAL** of Petition 1373-25. John Culbreth, Sr., seconded the motion. The motion passed 5-0.*

10. Consideration of the Fayette County Planning Commission 2026 Calendar.

Ms. Bell mentioned the last item for the meeting was the approval of the 2026 Zoning Board of Appeals Calendar, and that, looking at holidays and for January and July meetings, will be moved to the second Thursday of the respective month due to the holiday schedule. She asked to re

Mr. Jim Oliver asked that they just need to recommend acceptance.

Ms. Bell responded Yes, Sir.

*John Culbreth, Sr., made the motion to **APPROVE** the 2026 Fayette County Planning Commission Calendar. Danny England seconded the motion. The motion passed 5-0.*

John Culbreth, Sr., moved to adjourn the December 4, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 8:25 pm

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN KRUZAN, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

1369-25-A-B

PETITION No (s): 1372-25-A-B

SAGES REFERENCE No.: _____

STAFF USE ONLY

APPLICANT INFORMATION

Name TATE & STACEE McCOTTER
Address 229 FLETCHER FORD RD.
City FAYETTEVILLE, GA
State GA zip 30215
Email _____
Phone 435-503-1131

PROPERTY OWNER INFORMATION

Name McCOTTER FAMILY TRUST
Address 229 FLETCHER FORD ROAD
City FAYETTEVILLE
State GA zip 30215
Email _____
Phone 435-503-1131

AGENT(S) (if applicable)

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

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

(THIS AREA TO BE COMPLETED BY STAFF)

Application Insufficient due to lack of:

Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

Staff: Maria Binns Date: 09/12/2025

DATE OF PLANNING COMMISSION HEARING: November 6, 2025

DATE OF COUNTY COMMISSIONERS HEARING: December 11, 2025

Received from Tate McCotter a check in the amount of \$ 350.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 09/12/2025 Receipt Number: #025180

1369-25-A

PETITION No.: 1372-25-A Fees Due: 350.⁰⁰ ^{Total} Sign Deposit Due: 20.⁰⁰
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0433049 Acreage: 3
Land District(s): 4th Land Lot(s): 183
Road Name/Frontage L.F.: FLETCHER FORD RD. Road Classification: COUNTY LOCAL
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL
Structure(s): _____ Type: _____ Size in SF: _____
Existing Zoning: R45 Proposed Zoning: A-R
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: WELL Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: 1372-25-B Fees Due: 350.⁰⁰ ^{total} Sign Deposit Due: 20.⁰⁰
1369-25-B STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0433051 Acreage: 3
Land District(s): 4th Land Lot(s): 183
Road Name/Frontage L.F.: FLETCHER FORD RD Road Classification: COUNTY LOCAL
Existing Use: Residential Proposed Use: Residential
Structure(s): _____ Type: _____ Size in SF: _____
Existing Zoning: R45 Proposed Zoning: A-R
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

McCOTTER FAMILY TRUST (EXECUTORS TATE & STACEE McCOTTER)

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0433049

(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) 183 of the 4TH District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to TATE & STACEE McCOTTER 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.

[Signature]

Signature of Property Owner 1

229 Fletcher Ford Rd Fayetteville GA 30215

Address

[Signature]

Signature of Property Owner 2

229 Fletcher Ford Rd Fayetteville GA 30215

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]

Signature of Notary Public

09/12/2025

Date

[Signature]

Signature of Notary Public

09/12/2025

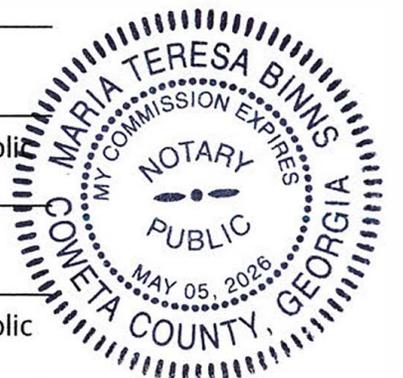
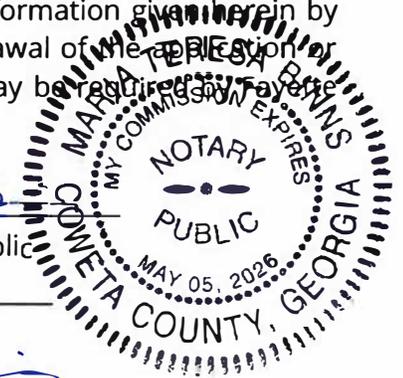
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



1369-25-A-B

PETITION No.: 1372-25-A-B

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: MCCOTTER FAMILY TRUST (EXECUTORS: TATE & STACEE McCOTTER)

ADDRESS: 229 FLETCHER FORD RD, FAYETTEVILLE, GA 30215

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

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

This property includes: (check one of the following)

- See attached legal description on recorded deed for subject property or
- Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of NOVEMBER 6, 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of DECEMBER 11, 2025 at 6:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12 DAY OF September, 2025

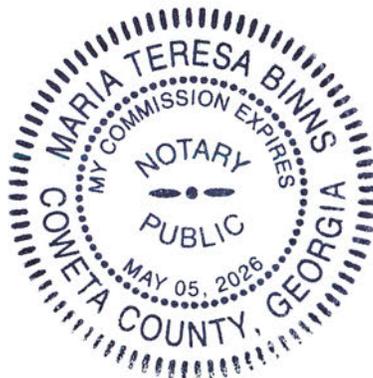
[Signature]

SIGNATURE OF PROPERTY OWNER

[Signature]

SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC May 05, 2026



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

McCOTTER FAMILY TRUST

I/We, TATE & STACEE McCOTTER, 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 FLETCHER FORD 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:

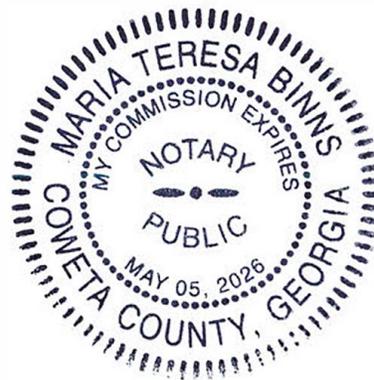
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 12 day of September 2025.

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria T. Binns
NOTARY PUBLIC May 05, 2026



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 12 day of SEPTEMBER, 2025.

APPLICANT'S SIGNATURE

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

PROPOSED LAKE HORTON
 BUFFER LINE
 LAKE HORTON

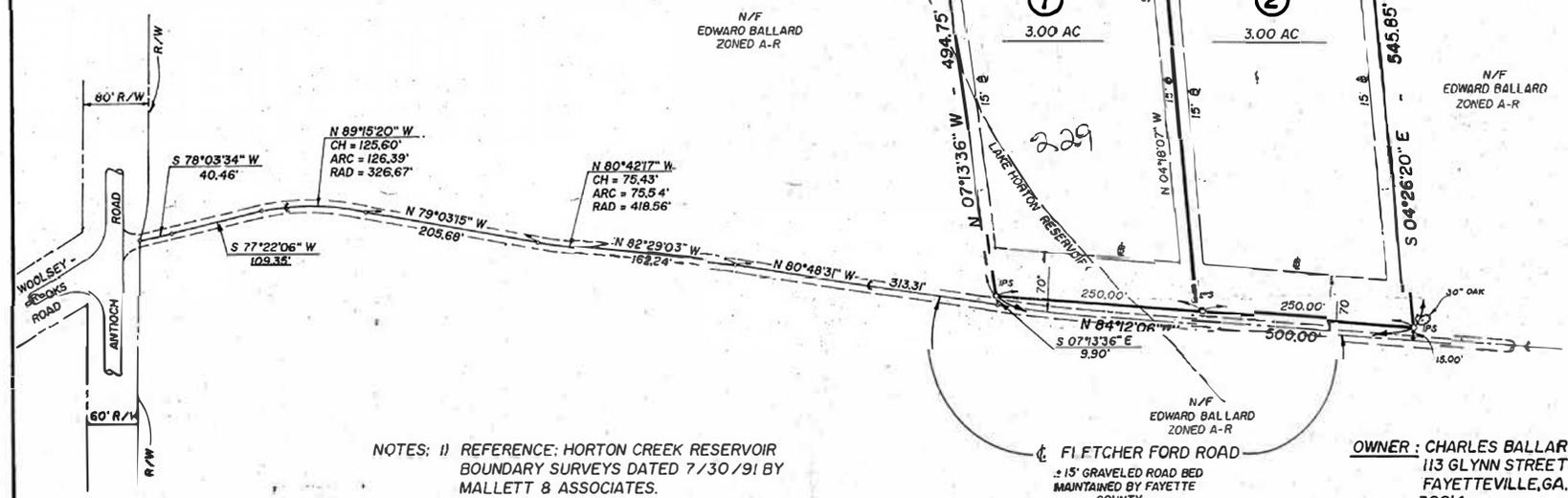
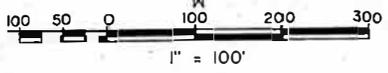
OWNER'S ACKNOWLEDGEMENT
 I, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN ON THIS PLAT HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHT-OF-WAY, EASEMENTS, AND OTHER GROUNDS SHOWN.
 OWNER: Charles Ballard DATE: 1/21/93

SURVEYOR'S ACKNOWLEDGEMENT
 I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION; THAT POINT LOCATIONS ARE CORRECTLY KNOWN, AND THAT THE PROPERTY WILL BE BOUND AS SHOWN. MEASUREMENTS ARE SHOWN BY IRON PINS.
 SURVEYOR: Larry J. Seabolt CLASS: 2155 DATE: 1/20/93

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GA.
 THIS PLAT HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY HEALTH DEPARTMENT AND BASED ON PERCOLATION TEST RESULTS, LAY OF THE LAND, SOIL INFORMATION, ETC. THIS LAND APPEARS TO BE SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAIN FIELDS. HOWEVER, THE LOTS WILL HAVE TO BE INSPECTED TO DETERMINE LOCATION OF HOUSE, SEPTIC HOUSE, ETC. BEFORE FINAL APPROVAL CAN BE GIVEN.
 ENVIRONMENTAL HEALTH SPECIALIST: [Signature] DATE: 1/21/93

FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY. ALL AS-BUILT PLANS HAVE BEEN APPROVED.
 COUNTY ENGINEER: [Signature] DATE: 1/19/93

APPROVED BY FAYETTEVILLE-FAYETTE COUNTY PLANNING COMMISSION
 SECRETARY: Robyn Moore DATE: 1-27-93
 APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR
 DATE: 1/27/93 SIGNED: Chris Vanni
 *FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY UNLAWFUL CASSEMENT OR OVERSIGHT DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT.



NOTES: 1) REFERENCE: HORTON CREEK RESERVOIR BOUNDARY SURVEYS DATED 7/30/91 BY MALLET & ASSOCIATES.

- 2) THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 130432 0095A DATED JULY 5, 1983.
- 3) EXIST. ZONING = R-45 (CONDITIONAL)
- 4) T.B.M. - E.L. = 815.0 - @ INTERSECTION WOOLSEY BROOKS RD. & ANTIOCH RD.
- 5) TOTAL AREA = 6.00 AC
- 6) THE LOTS SHOWN ON THIS PLAT ARE NOT WITHIN THE PROPOSED LAKE HORTON 100 YR. FLOOD LIMITS (ELEV.=784)

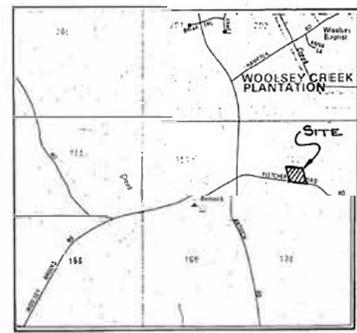
GEORGIA FAYETTE CO. CIVIL
 Filed and Recorded this 27 day
 of Jan 1993 at 2:45 P.M.
 Date: 23 by 130
W.D. Ballard Clerk

LEGEND

- IPS IRON PIN SET (1/2" REBAR)
- N/F NOW OR FORMERLY
- R/W RIGHT-OF-WAY
- AC ACRES
- @ CENTERLINE
- NTS NOT TO SCALE



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A QUANTUM PRECISION OF AT LEAST ONE FOOT IN HUNDRED FEET AND AN ANNUAL ACCURACY OF 2.5. SECOND EDITION OF THE FIELD BOOK AND THE ADJUSTED COMPUTATIONS SHALL BE MAINTAINED FOR THE ORIGINALS WITH 100 COMPUTED, STEEL TAPE, AND IRON PINS.
 THIS PLAT AND ALL BOUNDARY POINTS CLEARLY MARKED SHOULD BE RECHECKED WITHIN AT LEAST ONE (1) YEAR FROM THE DATE OF RECORDING.
[Signature]
 LARRY J. SEABOLT
 GEORGIA REGISTERED LAND SURVEYOR
 NO. 2135



LOCATION MAP
 NTS

PRINTED
 JAN 27 1993

OWNER: CHARLES BALLARD
 113 GLYNN STREET
 FAYETTEVILLE, GA.
 30214
 404-461-4222
 ENGINEER: SOUTHEASTERN
 ENGINEERS & SURVEYORS, INC.
 P.O. BOX 703
 FAYETTEVILLE, GA.
 30214
 404-461-4292

NO.	DATE	REVISION
FINAL PLAT OF FEUDBOTE LOCATED IN LAND LOT 183 4TH DISTRICT FAYETTE COUNTY, GEORGIA SCALE: 1" = 100' DATE: 1/19/93 SOUTHEASTERN ENGINEERS & SURVEYORS, INC. FAYETTEVILLE, GEORGIA		

Eng. Seabolt

93 A 004

FELDBOLT

After recording, return to:**Prepared By:**

Weissman PC

5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328**File No.: W-C-25795-22-PC****Parcel ID:** 0433-049

Type: WD

Recorded: 1/4/2023 4:51:00 PM

Fee Amt: \$75.00 Page 1 of 3

Transfer Tax: \$50.00

Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of CourtParticipant ID(s): 2979894615,
7067927936**BK 5576 PG 457 - 459****LIMITED WARRANTY DEED****STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 30th day of December, 2022 by and between **Jeanette J. Ballard**, as party or parties of the first part, hereinafter called Grantor, and **Tate N. McCotter and Stacey L. McCotter, as Trustees of The McCotter Family Trust dated February 3, 2000, as amended and restated on April 18, 2019**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) AND OTHER 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, the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HERETO

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said 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, only to the proper use, benefit and behoof of the said Grantee, forever IN FEE SIMPLE.

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

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

Signed, sealed and delivered
in the presence of:

Becky Crawford
Unofficial Witness

Jeanette J. Ballard (Seal)
Jeanette J. Ballard

Notary Public

My Commission Expires: 04/18/2026

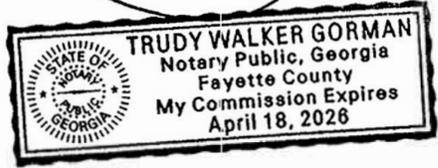


EXHIBIT "A"

File No.: W-C-25795-22-PC

All that tract or parcel of land lying and being in Land Lot 183 of the 4th District of Fayette County, Georgia, being Lot 2 of Feudbote, as shown on plat entitled "Final Plat of Feudbote", prepared by Larry J. Seabolt, Southeastern Engineers and Surveyors, Inc. dated January 19, 1993, and recorded in Plat Book 23, Page 120, records of Fayette County, Georgia, which plat is incorporated herein and made a part hereof by reference.

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, De-
cember 4, 2025, at 7:00 P.M., and
before the Fayette County Board
of Commissioners on Thursday,
January 22, 2025, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No: 1369-25-A-B

Parcel No: 0433 049 and 0433 051

Owner: The McCotter Family Trust
Executer(s): Tate N. McCotter and
Stacey L. McCotter

Zoning District: R-45

Area of Property: 6.00 acres

Land Lot(s)/District: Land Lot 183
of the 4th District

Fronts on: Fletcher Ford Road

Proposed: Applicant proposes the
following:

A) Parcel No. 0433 049; to rezone
3.00 acres from R-45 (Single-Fam-
ily Residential) to A-R (Agricultur-
al-Residential).

B) Parcel No. 0433 051; to rezone
3.00 acres from R-45 (Single-Fam-
ily Residential) to A-R (Agricultur-
al-Residential).

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

Legal Description

EXHIBIT "A"

File No.: W-C-25795-22-PC

All that tract or parcel of land ly-
ing and being in Land Lot 183 of
the 4th District of Fayette County,
Georgia, being Lot 2 of Feudbote,
as shown on plat entitled "Final
Plat of Feudbote", prepared by
Larry J. Seabolt, Southeastern En-
gineers and Surveyors, Inc. dated
January 19, 1993, and recorded in
Plat Book 23, Page 120, records
of Fayette County, Georgia, which
plat is incorporated herein and
made a part hereof by reference

11/12

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner, applicant request approval of a Revised Development Plan, to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision; property located in Land Lots 34 of the 5th District and fronts Brookshire Drive.

Background/History/Details:

Applicant proposes to revise the development plan for Coventry Estates by subdividing Lot 48, consisting of 4.75 Acres, into 2 parcels. Proposed Lot 48-A will consist of approximately 2.73 acres and proposed Lot 48-B will consist of approximately 2.02 acres. Per Sec. 104-595.(2)h.2., proposed revisions to a recorded major final plat shall, after prescribed public notice, be considered in public hearings before the Planning Commission and Board of Commissioners.

Staff recommends CONDITIONAL APPROVAL, subject to the following condition(s): 1. Fayette County Watershed Protection Ordinance will apply to the parcel(s). Existing structures shown to be in the watershed protection setbacks on a new final plat will be allowed to remain, however no new structures or expansion into the Watershed Protection setbacks will be permitted.

On February 5, 2026, the Planning Commission voted as follows: Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-022-26. John Kruzan seconded the motion. The motion carried 4-1. Chairman Danny England Opposed.

What action are you seeking from the Board of Commissioners?

Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner, applicant request approval of a Revised Development Plan, to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision; property located in Land Lots 34 of the 5th District and fronts Brookshire Drive.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

RDP-022-26

REQUESTED ACTION: Revise the Development Plan for Coventry Estates

PARCEL NUMBER: 0508 031

PROPOSED USE: R-40, Single-Family Subdivision

EXISTING USE: Lot in single-family residential neighborhood

LOCATION: Lot 48, Coventry Estates aka 245 Brookshire Dr.

ZONING: R-40, Single-Family Residential

LOT SIZE: 4.75 Acres

DISTRICT/LAND LOT(S): 5th District, Land Lot 34

OWNER(S): Ted Ehrhart

AGENTS: N/A

PLANNING COMMISSION PUBLIC HEARING: February 5, 2026

BOARD OF COMMISSIONERS PUBLIC HEARING: February 26, 2026

REQUEST

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

APPLICANT'S INTENT

Applicant proposes to revise the development plan for Coventry Estates by subdividing Lot 48, consisting of 4.75 Acres, into 2 parcels. Proposed Lot 48-A will consist of approximately 2.73 acres and proposed Lot 48-B will consist of approximately 2.02 acres.

PLANNING COMMISSION RECOMMENDATION

On February 5, 2026, the Planning Commission voted to recommend **CONDITIONAL APPROVAL** of the request to revise the development plan for Coventry Estates, subject to conditions as presented by staff.

Jim Oliver made the motion to recommend **CONDITIONAL APPROVAL** of Petition RDP-022-26. John Kruzan seconded the motion. The motion carried 4-1. Chairman Danny England Opposed.

STAFF RECOMMENDATION

Staff recommends **CONDITIONAL APPROVAL**, subject to the following condition(s):

1. Fayette County Watershed Protection Ordinance will apply to the parcel(s). Existing structures shown to be in the watershed protection setbacks on a new final plat will be allowed to remain, however no new structures or expansion into the Watershed Protection setbacks will be permitted.

STAFF ASSESSMENT

At 4.75 acres, the lot is a legal lot of record and meets or exceeds all the requirements of the R-40 zoning district. Both proposed lots will continue to meet the requirements of the R-40 district. The existing structures on Lot 48-A will meet these requirements if the property is subdivided as per the concept plan. It is staff's opinion that this change in the development is not likely to adversely impact the existing subdivision by adding a residential lot.

The lots in the contiguous part of Coventry Estates range in size from 2.30 acres to 11.90 acres, with an average lot size of 5.54 acres. Note: This calculation does not include the Bryan parcel at 538 Lester Road. That parcel was originally 26.01 acres and was proposed to be divided into 5 parcels. 498 Lester Road, at 4.86 acres, was the only parcel to be split off the Bryan parcel, leaving 21.15 under Bryan ownership.

An 11.90 acre lot is also owned by Bryan but is likely undevelopable due to the extent of the floodplain on the lot.

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

	<p>streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.</p>	<p><i>enough to retain the agricultural character of the neighborhood.</i></p>
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INVESTIGATION

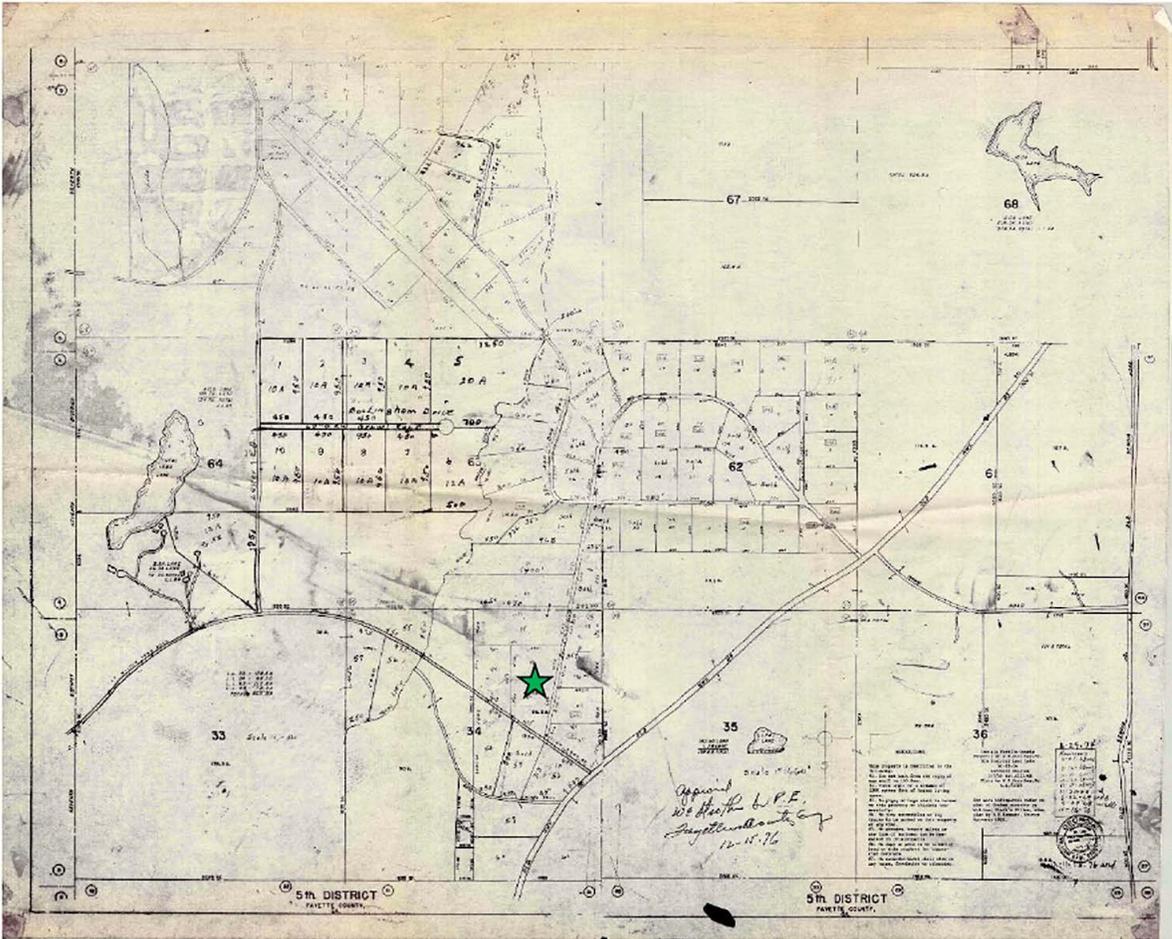
A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned R-40 (Single-Family Residential). It is platted as lot 48 in Coventry Estates subdivision, recorded in Plat Book 5, Page 105, on September 15, 1969. This property is not located in an Overlay District.

Rezoning History:

The property is depicted as R-40 on the 1971 Zoning Map.

The Tax Map below provides the early layout of the subdivision.



B. SURROUNDING ZONING AND USES

The parcels surrounding the subject property are all zoned R-40 and the Future Land Use Map for all these parcels is Low Density Residential, 1 Unit/ Acres and Environmentally Sensitive Areas. 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	9.80	R-40	Single-family Residential	Low Density Residential – 1-acre minimum / Environmentally Sensitive Area
South	5.50	R-40	Single-family Residential	Low Density Residential – 1-acre minimum / Environmentally Sensitive Area
East	3.7	R-40	Single-Family Residential	Low Density Residential – 1-acre minimum
West	6.97	R-40	Single-Family Residential	Environmentally Sensitive Area

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential and Environmentally Sensitive Areas on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Brookshire Drive.

Site Plan: The applicant submitted a concept plan for the property. It DOES meet the current requirements for R-40, which requires that a parcel be at least 65,340 square feet (1.5 acres) in size where neither a central sanitary sewer nor a central water distribution system is provided.

F. DEPARTMENTAL COMMENTS

- Water System** – Fayette County Water System has no objections to the Revised Development Plan. Area is not served by Fayette County Water System.
- Public Works/Environmental Management** – No objections.
 - **Site Distance** - Brookshire Drive has a speed limit of 25 MPH, requiring 280-ft of sight distance.

- **Access Management** - Brookshire Drive is a County Local with an apparent 50-ft right of way. There is no traffic data for Brookshire Drive. A driveway permit will be required for the new lot.
- **Environmental Health Department** – This office has no objection. However, the following criteria apply and must be reflected in the final plat.
 - **Floodplain Management** - The property **DOES** contain floodplain per FEMA FIRM panel 13113C0111E dated September 26, 2008. The property **DOES** contain floodplain delineated in the FC 2013 Dewberry Flood Study.
 - **Wetlands** - The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer may be responsible for submitting proper documentation during the development process as to the existence or non-existence of wetlands depending on the plan submitted.
 - **Watershed Protection** - It has not been determined if there are state waters located on the subject property. The site **WILL BE** subject to the Fayette County Watershed Protection Ordinance upon subdivision.
 - **Groundwater** - The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** - This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces for a major subdivision or commercial site plan.
- **Fire** - No comment.
- **GDOT** - Not applicable, not on State Route.

STANDARDS FOR CONSIDERATION OF A REVISED DEVELOPMENT PLAN**Article XV. – Subdivision Regulations.****Sec. 104-595. – Approval of subdivisions.**

(2) *Major or minor final plat.*

h. *Revision to a recorded final plat.*

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

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

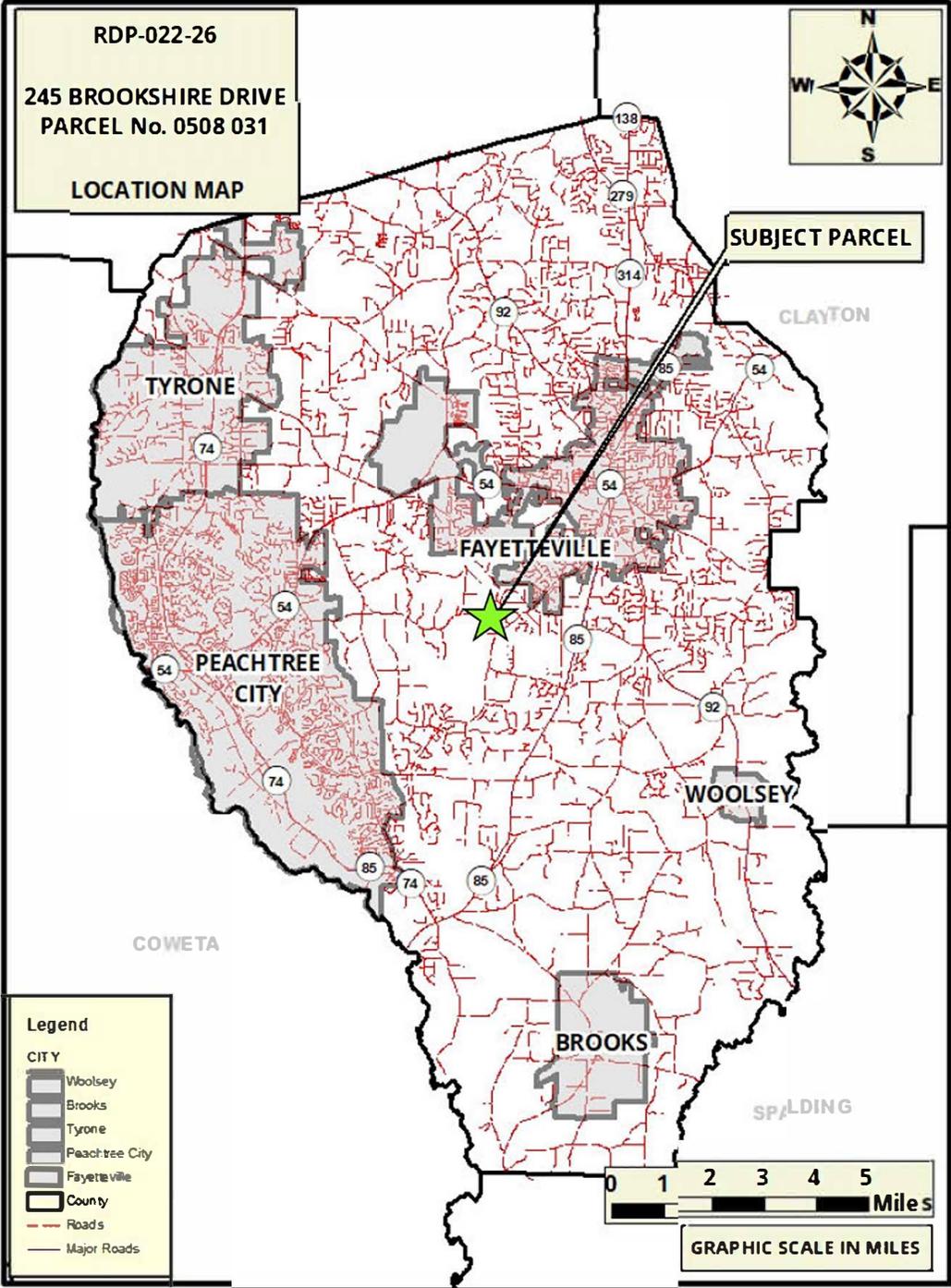
the lot widths within a range, the average lot width and the degree proposed lots will be more narrow than existing lots.

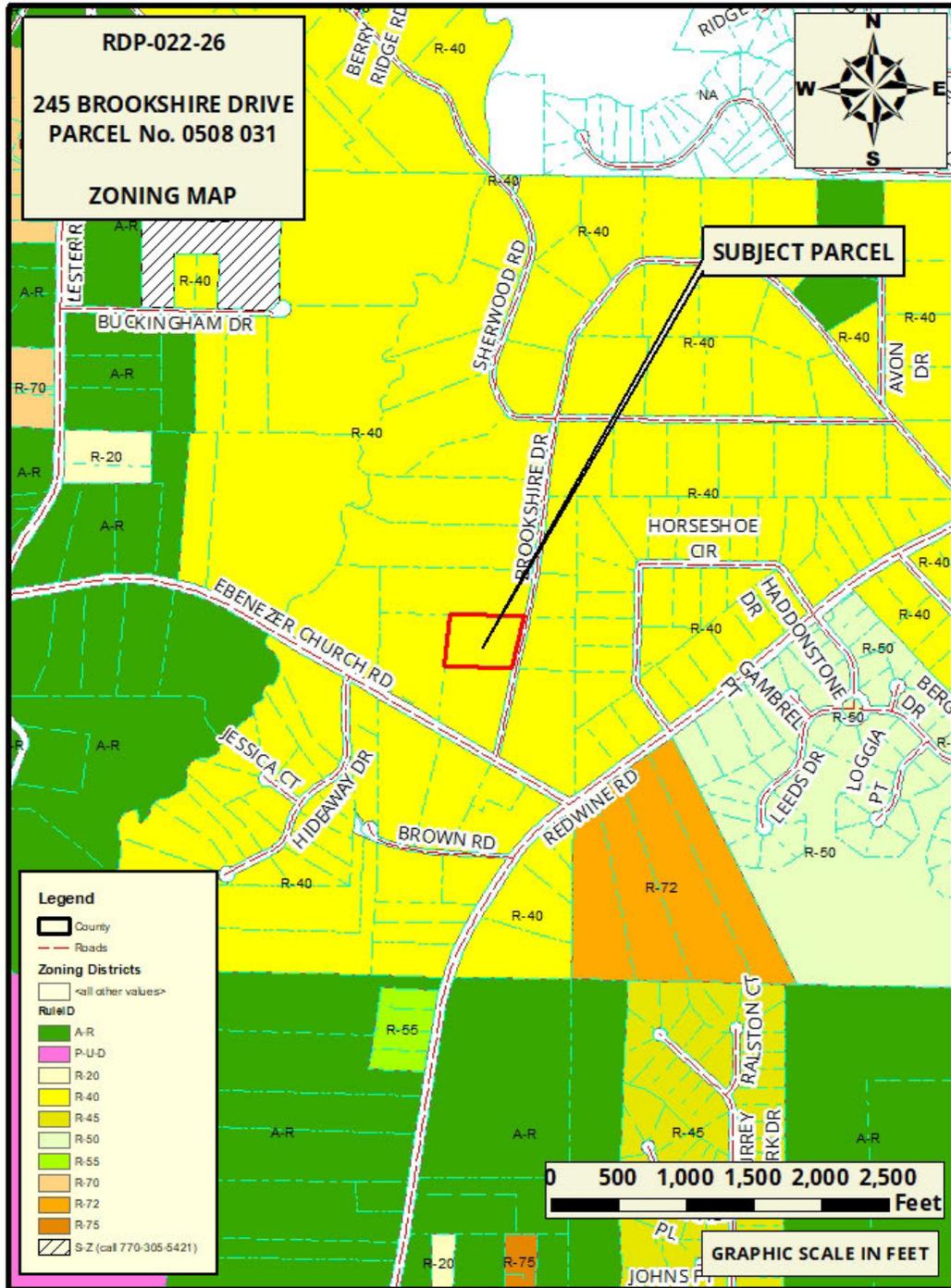
- iv. *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting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

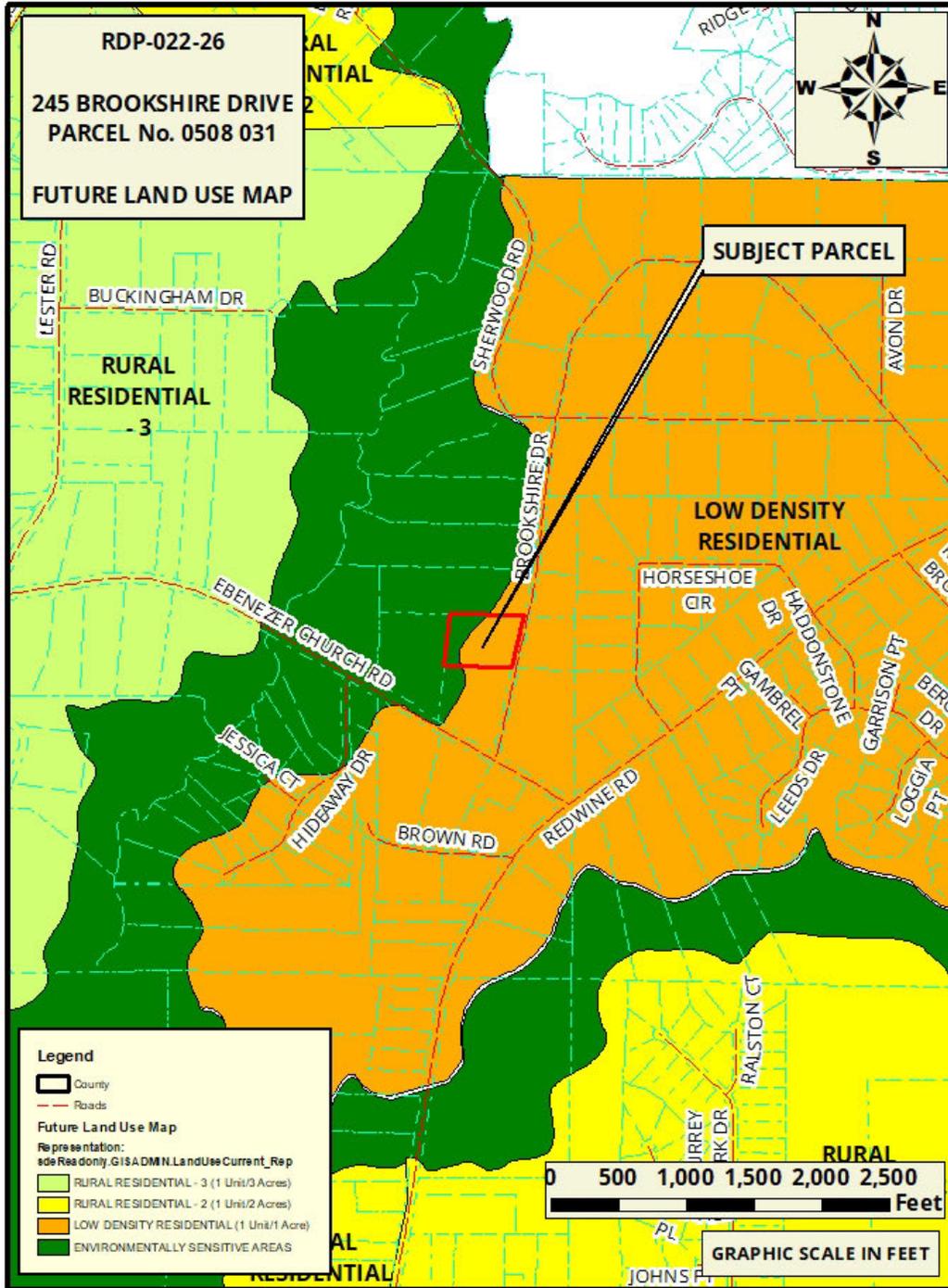
ZONING DISTRICT STANDARDS**Sec. 110-137. R-40, Single-Family Residential District.**

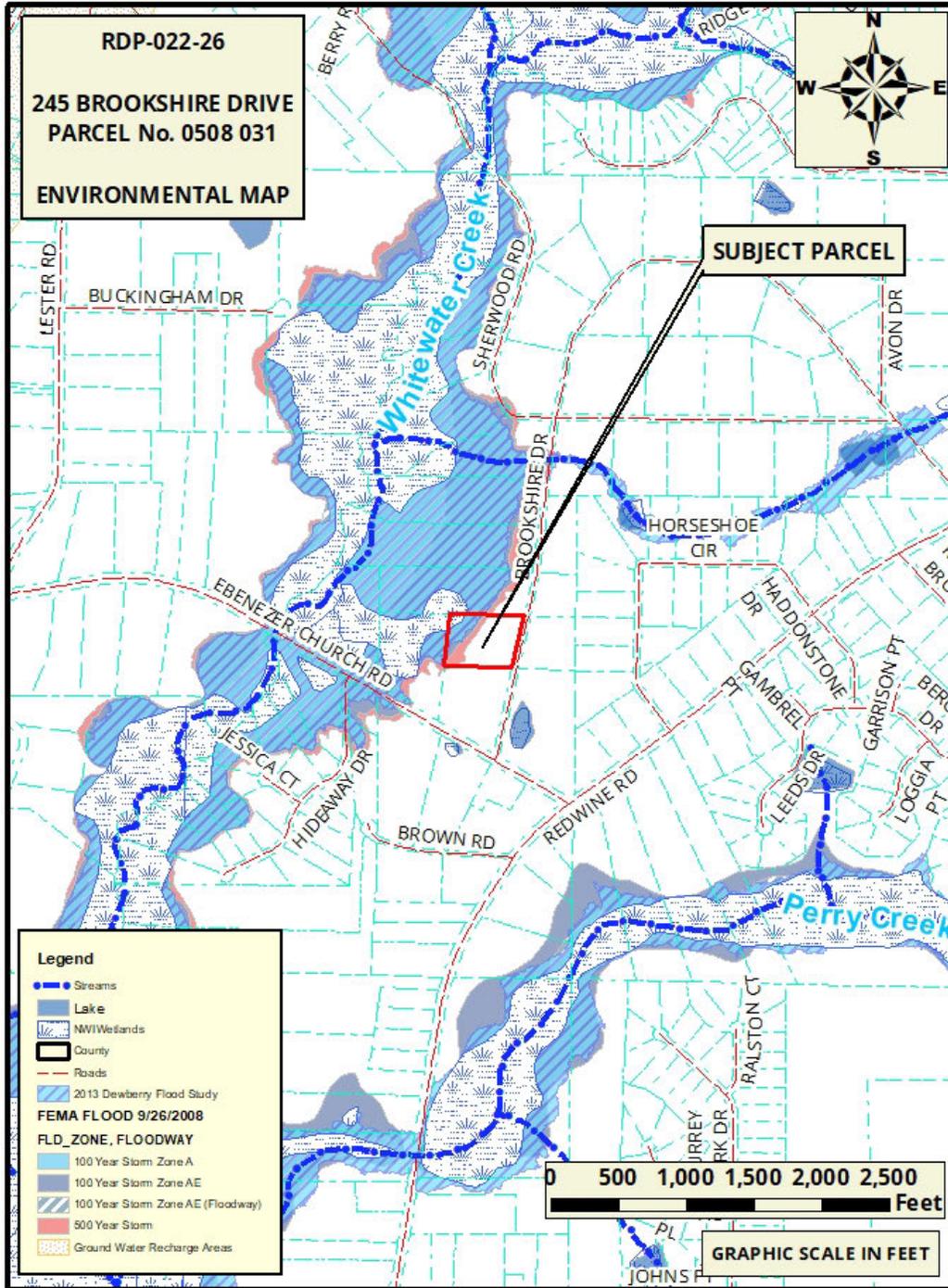
- (a) *Description of district.* This district is composed of certain lands and structures in the county, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-40 zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter); and
 - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-40 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
 - (2) Developed residential recreational/amenity areas;
 - (3) Home occupation;
 - (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
 - (3) Floor area: 1,500 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.

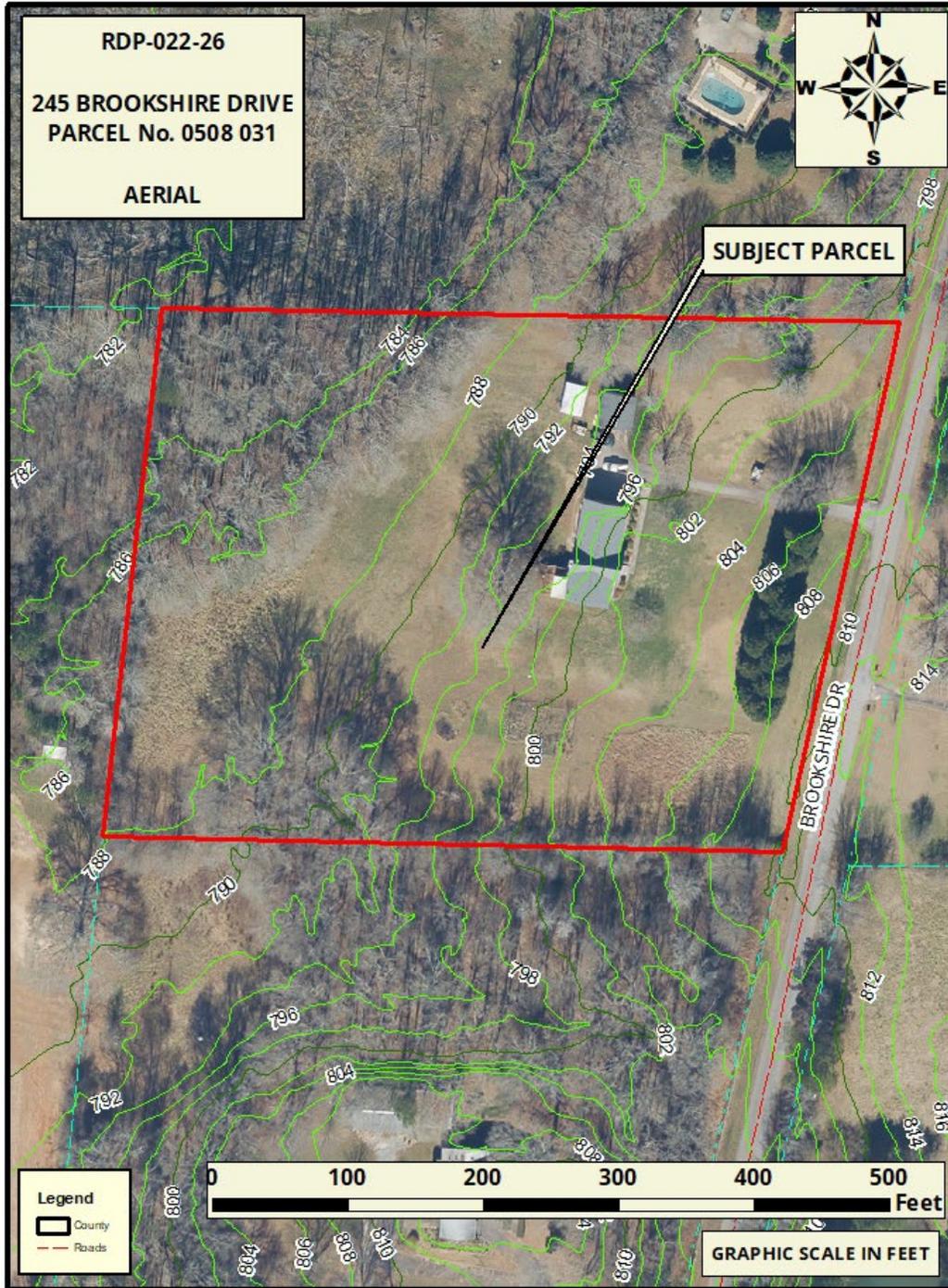
- 2. Collector: 60 feet.
- b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.
- (7) Height limit: 35 feet.

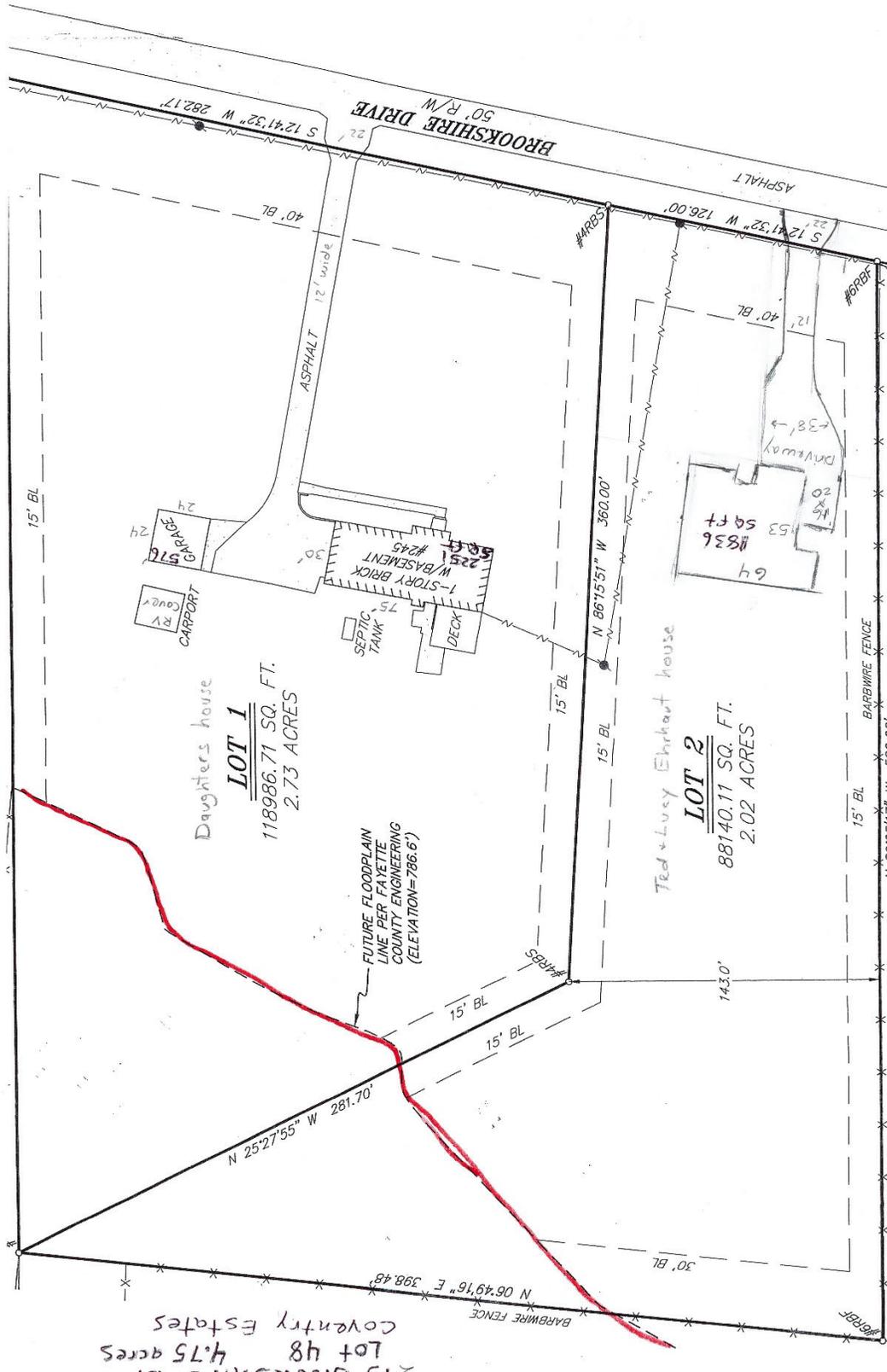


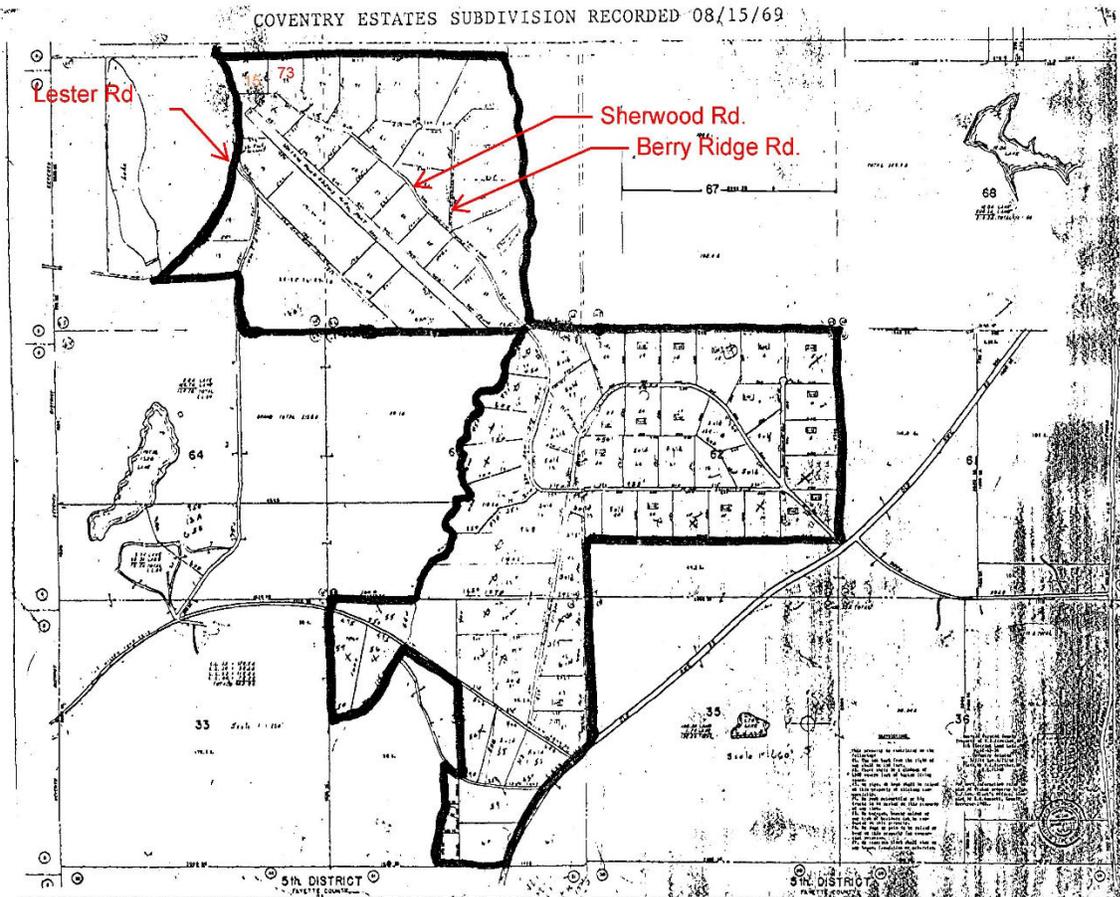












Recorded 8-15-69 via Ballard, Clark.

Coventry Estates

BOARD MEMBERS

Danny England, Chairman
Boris Thomas, Vice-Chairman
John Kruzan
Jim Oliver
Virgil Hooper

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
February 05, 2026
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman Danny England called the February 5, 2026, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman Danny England offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Jim Oliver made a motion to approve the agenda as presented. Virgil Hooper seconded the motion. The motion carried 5-0. Deborah Bell, Planning and Zoning Director, was absent.*
4. Consideration of the Minutes of the meeting held on January 15, 2026. *Jim Oliver made a motion to approve the minutes of the meeting held on January 15, 2026. Boris Thomas seconded the motion. The motion carried 4-0-1. John Kruzan abstained; he wasn't present at the last meeting.*
5. Plats
 - a. Minor Final Plat of Fayette Padgett 14. *Jim Oliver made a motion to approve the Minor Final Plat of Fayette Padgett 14. Vice-Chair Boris Thomas seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

6. Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner. Applicant request approval of a Revised Development Plan to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 34 of the 5th District and fronts Brookshire Drive. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-022-26. John Kruzan seconded the motion. The motion carried 4-1. Chairman Danny England Opposed.***

7. Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner. Applicant request approval of a Revised Development Plan to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-023-26. John Kruzan seconded the motion. The motion carried 5-0.***

Jim Oliver moved to adjourn the January 6, 2026, Planning Commission meeting. John Kruzan seconded. The motion passed 5-0.

The meeting adjourned at 7:47 pm

Meeting Minutes 2/5/2026

THE FAYETTE COUNTY PLANNING COMMISSION met on February 5th, 2026, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
Boris Thomas, Vice-Chairman
John Kruzan
Jim Oliver
Virgil Hooper

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

1. Call to Order. *Vice-Chairman Danny England called the January 15, 2026, meeting to order at 7:01 pm.*
2. Pledge of Allegiance. *Vice-Chairman Danny England offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Jim Oliver made a motion to approve the agenda as presented. Virgil Hooper seconded the motion. The motion carried 5-0. Deborah Bell, Planning and Zoning Director, was absent.*
4. Consideration of the Minutes of the meeting held on January 15, 2026. *Jim Oliver made a motion to approve the minutes of the meeting held on January 15, 2026. Boris Thomas seconded the motion. The motion carried 4-0-1. John Kruzan abstained; he wasn't present at the last meeting*
5. Plats.
 - a. Minor Final Plat of Fayette Padgett 14.

Ms. Deborah Sims stated the Plat has been received and approved by staff and meets all conditions and regulations.

Mr. Richard Ferry asked the board if they had any questions he would be happy to answer.

With no questions, the Board moved for a motion.

Jim Oliver made a motion to approve the Minor Final Plat of Fayette Padgett 14. Vice-Chair Boris Thomas seconded the motion. The motion passed 5-0.

PUBLIC HEARING

6. Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner. Applicant request approval of a Revised Development Plan to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 34 of the 5th District and fronts Brookshire Drive.

Ms. Deborah Sims read the description above and added that the applicant wanted to subdivide lot 48 within Coventry Estates located at 245 Brookshire Drive to develop the parcel into two (2) lots, and that it is over 4 acres and that subdividing this property will cause watershed protection to be impacted on both lots. Ms. Sims showed the location on the maps and explained that there is some floodplain and watershed protection that will be addressed on the final plat. Staff recommended conditional approval, where watershed protection ordinance will apply to the parcels.

Mr. Ted Ehrhart came to the podium but didn't comment.

Chairman Danny England asked if anyone was in support of the petition.

Mr. Dale Bryan commented in support of the additional lot and stated it seems logical to add another lot and did not believe will make any changes to the subdivision.

Chairman England asked if anyone was in opposition to the petition.

Lynn Cochran stated she has lived in the subdivision for nine years and does not know the applicant and pointed out that the aesthetics of the neighborhood will change from three to five acres into smaller lots.

Nannette Willett stated he doesn't know the applicant and asked why he would like to split the land.

Chairman England asked the audience if anyone else was in opposition; with no response he called the applicant to return for rebuttal.

Richard Ferry stated the reason he wanted to subdivide the land for him and his wife to build a smaller home to live in and leave the current home to his daughter and grandson to have the family closer together.

Chairman England brought the item back to the board for questions.

Mr. Jim Oliver commented that the reason is good for a family member.

Chairman England pointed that staff did a good job explaining the factors to consider the pros and cons on page three of the staff report and that in the past the board has denied petitions when a change will adversely affect the existing character of a neighborhood and thinks there is some consideration to consider by changing lots from an example of four acres lots to half of that size and if the board didn't have any more comments to entertain a motion.

Vice-Chair Boris Thomas asked if the setbacks would change?

Chairman England asked staff if setbacks would be the same as the current home.

Ms. Deborah Sims responded that it was correct, and the main change, because we are adding to the density of the neighborhood, will be subject to the watershed protection on the rear side of the lot upon subdivision.

Vice-Chair Thomas asked staff if the applicant wanted to build a smaller home on the new lot. Does that change anything?

Ms. Sims responded that the house will still need to meet all of the requirements, and R-40 zoning cannot be any smaller than 1,500 Square Feet.

Mr. Virgil Hooper asked staff if, in the past, other lots had been subdivided, and if there was a situation where a ten acre lot would need additional requirements?

Ms. Sims responded that anytime it subdivided whatever into they still have to meet the minimum requirements of the neighborhood additional requirements that we have now and didn't have before when Coventry Estates was originally developed; any lot in the R-40 zoning have to show that they have at least 0.3 contiguous buildable acres free and clear of any setbacks, regulations are more strict and the fact that they don't have county water means the smallest size they can go is one acre and a half.

Chairman England asked the board for any other questions or comments, or to entertain a motion.

Staff recommended **CONDITIONAL APPROVAL**, subject to the following condition(s):

1. Fayette County Watershed Protection Ordinance will apply to the parcel(s). Existing structures shown to be in the watershed protection setbacks on a new final plat will be allowed to remain, however no new structures or expansion into the Watershed Protection setbacks will be permitted.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-022-26. John Kruzan seconded the motion. The motion carried 4-1. Chairman Danny England Opposed.

7. Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner. Applicant requests approval of a Revised Development Plan to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run.

Ms. Sims stated the proposal for Coventry Estates also consists of a 21.15 acre lot that has two road frontages on two sides onto Lester Road and Red Fox Run into six lots. The land use plan for this part of Coventry Estates shows a minimum of three acres, their proposal does meet that, even though they will be R-40. There is already a hanger and a house; the hanger will not be allowed to remain without a primary structure on that property, and staff is requesting approval with two conditions, where the hanger will have to be removed within 180 days or prior to the subdivision of the property.

Chairman Danny England asked if the petitioner was present.

Dale Bryan stated he reached out to the Department of Building Safety to request what will be needed to commence the demolition permit to remove the structure and have it done in the next several weeks. Also talked to contractors and stated the structure is a Pole barn (Metal), which will take a week or two to remove. Mr. Bryan pointed at the maps to explained they have the aesthetics of the neighborhood covered to make sure they match the rest of the subdivision.

Chairman England asked the audience if anyone would like to speak in favor of the petition, with no response then he asked for any opposition to come to the podium to speak.

Mr. Norman Nolde asked about the burned-down house and a septic tank that will have to be pulled out; also mentioned there are two right-of-way associated with the airport and they are taking this into account in their plat.

Ms. Sims showed the concept plan with the easement, and before any subdivision could be approved, it would have to go through our review, and this is just to see if it could be acceptable to subdivide into that many lots.

Dan Dougherty stated the property is not part of Coventry Estates, it is part of the airfield and the plat was not consistent with the rest of anything. State the property was used as a land dump and what is the plan to remediate the lake and its next to a zoned property.

David Reuter asked staff to bring the concept plan and stated when it was surveyed, they are not showing the entire plan. He doesn't really have any objections, just wanted some clarification.

Bill Peters objectives the lots in these areas don't have any city water; they are on wells.

Chairman England asked whether there was anyone else opposed to the petition. With no response, he asked the petitioner to come back for rebuttal.

Mr. Dale Bryan responded to the opponents' concerns and stated that each lot will be large enough to accommodate a well and septic tank; the burn-down house has been boarded up to prevent people from getting in and will be removed at some point, and the septic tank was in use and wanted to keep the well for continuing use. The landfill was biodegradable, dumped in the back of the property to help with stormwater issues they had at the time. His proposal stated it was designed to sustain well and septic if needed for each lot.

Jim Oliver asked the petitioner if the airstrip was still active.

Mr. Bryan responded that it is, and they want to make sure that the people who purchase the new home will be able to use it if they want to.

Jim Oliver asked is that a recorded easement, the airstrip? And what if they want to build a structure for an airplane?

Ms. Sims responded that the surveyor would verify when they present the minor final plat to subdivide the property, showing the buildable area of each lot.

Mr. Virgil Hooper asked if they could add another condition to make sure they demolish the house.

Ms. Alison Cox, County Attorney, responded that the reason the hanger is part of the condition is that they cannot have a hanger; it will become an illegal structure on R-40 zoning without a primary house. The house can stay because it is a primary use and can always get a permit to be demolished and build a new one.

Chairman England asked the board if they had any more questions or to entertain a motion.

Staff recommends **CONDITIONAL APPROVAL**, subject to the following condition(s):

1. Fayette County Watershed Protection Ordinance will apply to the parcels upon subdivision.
2. The hangar shall be removed from parcel 0515 037 within 180 days or prior to submission of a revised final plat.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-023-26. John Kruzan seconded the motion. The motion carried 5-0.

PETITION No (s): RDP-022-26

SAGES REFERENCE No.: _____

STAFF USE ONLY

APPLICANT INFORMATION

Name Ted V Ehrhart
Address 245 Brookshire Dr
City Fayetteville
State GA Zip 30215
Email [REDACTED]
Phone 678-267-0671

PROPERTY OWNER INFORMATION

Name Ted V Ehrhart
Address 245 Brookshire Dr
City Fayetteville
State GA Zip 30215
Email [REDACTED]
Phone 678-267-0671

AGENT(S) (if applicable)

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

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: Maria Binns Date: 12/04/2025

DATE OF PLANNING COMMISSION HEARING: February 5, 2026

DATE OF COUNTY COMMISSIONERS HEARING: February 26, 2026

Received from Ted V. Erhart a check in the amount of \$ 250.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 12/04/2025 Receipt Number: 025943

PETITION No.: RDP-022-26 Fees Due: 250.⁰⁰ Sign Deposit Due: 20.⁰⁰

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0508 031 Acreage: 4.75
Land District(s): 5 Land Lot(s): 34
Road Name/Frontage L.F.: Brockshire Dr / 408' Road Classification: Local
Existing Use: Residential Proposed Use: Residential
Structure(s): 2 Type: House / Garage Size in SF: 2251 / 576
Existing Zoning: R-40 Proposed Zoning: R-40
Existing Land Use: Residential Proposed Land Use: Residential
Water Availability: None Distance to Water Line: _____ Distance to Hydrant: None

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

Ted V Ehrhart

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0508 031

(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) 34 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 4.75 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]
Signature of Property Owner 1
245 Brookshire Drive
Address

[Signature]
Signature of Notary Public
12/02/2025
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

PETITION No.: RDP-022-26

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: Ted V Ehrhart

ADDRESS: 245 Brookshire Dr Fayetteville GA 30215

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

Ted V Ehrhart affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

- See attached legal description on recorded deed for subject property or
- Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of February 5, 20 26 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of February 26, 20 26 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF December, 20 25

Ted V Ehrhart

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Ted V Ehrhart, 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 245 Brookshire Dr Fayetteville GA as 30215 measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 2nd day of December 2025.

[Signature]
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]
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 2nd day of December, 2025.



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:

No

Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

154

Please return to: MCMANAMY MCLEOD HELLER, LLC
3520 PIEDMONT ROAD, SUITE 110
ATLANTA, GEORGIA 30305
File # 11-04-1952



Doc ID: 008732180001 Type: WD
Recorded: 12/21/2011 at 03:00:00 PM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 3835 PG 185

STATE OF TEXAS
COUNTY OF DALLAS

LIMITED WARRANTY DEED

THIS INDENTURE made this 16th day of December, 2011 between

FEDERAL NATIONAL MORTGAGE ASSOCIATION

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

TED V. EHRHART

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

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 34 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 48 OF COVENTRY ESTATES SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 5, PAGE 105, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY THIS REFERENCE AND THEREBY MADE A PART HEREOF, AND BEING FURTHER KNOWN AS 245 BROOKSHIRE DRIVE, FAYETTEVILLE, GEORGIA 30215, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING ADDRESSES IN FAYETTE COUNTY, GEORGIA. MAP #0508-031

GRANTEE HEREIN SHALL BE PROHIBITED FROM CONVEYING CAPTIONED PROPERTY FOR A SALES PRICE OF GREATER THAN \$156,006.00 FOR A PERIOD OF THREE MONTHS FROM THE DATE OF THIS DEED. GRANTEE SHALL ALSO BE PROHIBITED FROM ENCUMBERING SUBJECT PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT OF GREATER THAN \$156,006.00 FOR A PERIOD OF THREE MONTHS FROM THE DATE OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL TO THE GRANTEE. THESE RESTRICTIONS SHALL TERMINATE IMMEDIATELY UPON CONVEYANCE AT ANY FORECLOSURE SALE RELATED TO THE MORTGAGE OR DEED OF TRUST.

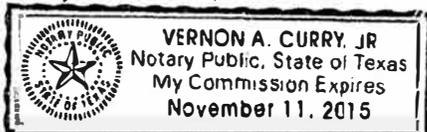
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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 passing by or through Grantor.

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

Signed, sealed and delivered in the presence of:

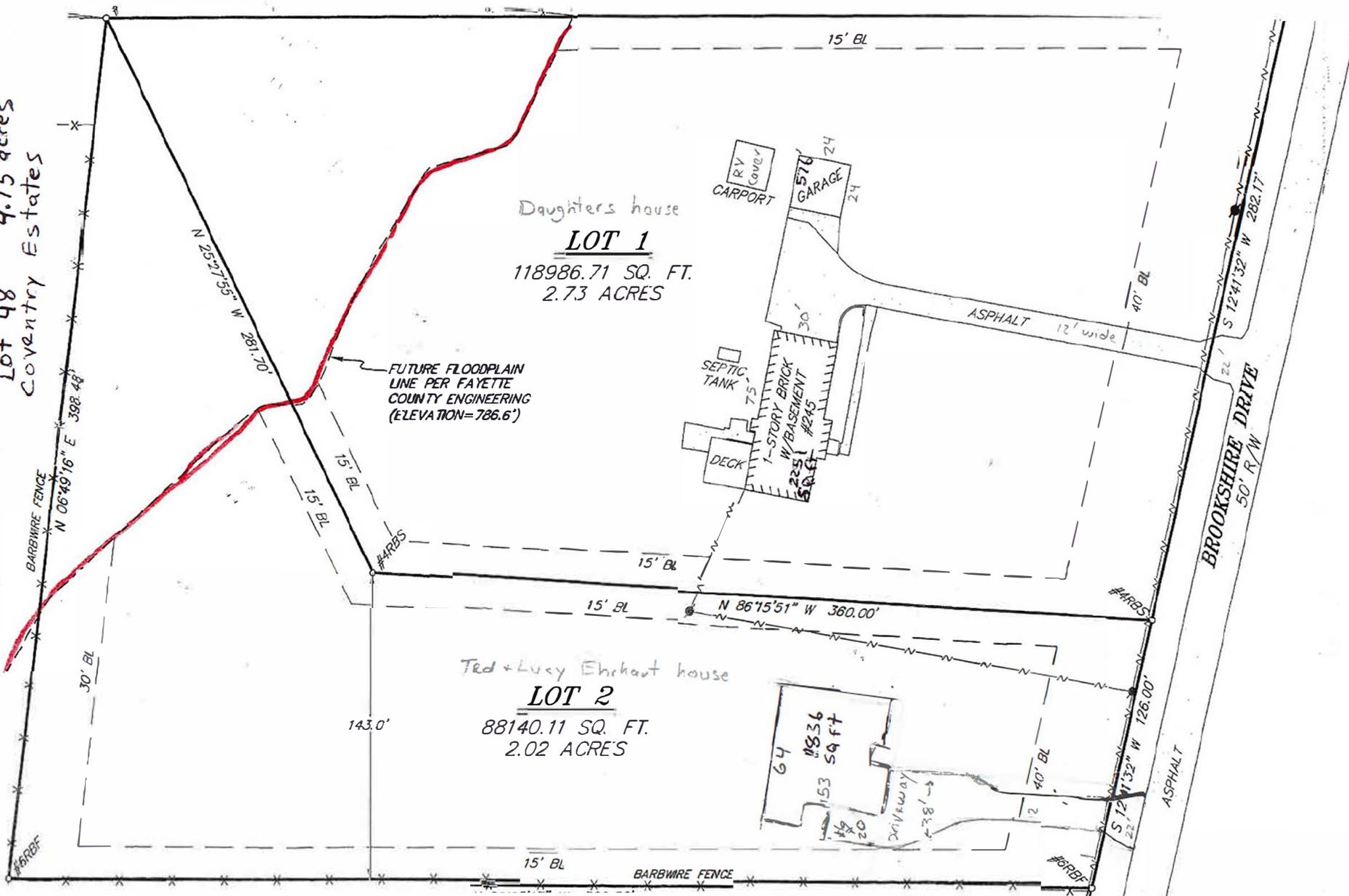
Witness Cindy Daloz
Notary Public
My commission expires



FEDERAL NATIONAL MORTGAGE ASSOCIATION

By: Stephanie Jackson
Printed Name: **STEPHANIE JACKSON**
Title: **ASST. VICE PRESIDENT**

Lot 48 4.75 acres
Coventry Estates



Daughters house
LOT 1
118986.71 SQ. FT.
2.73 ACRES

FUTURE FLOODPLAIN
LINE PER FAYETTE
COUNTY ENGINEERING
(ELEVATION=786.6')

Ted + Lucy Ehrhart house
LOT 2
88140.11 SQ. FT.
2.02 ACRES

BROOKSHIRE DRIVE
50' R/W

Wednesday, February 4, 2026

Fayette County News B5

Continued from page B4

PETITION FOR REVISION
TO DEVELOPMENT PLAN OF
COVENTRY ESTATES SUBDI-
VISION IN UNINCORPORATED
AREAS OF FAYETTE COUNTY,
GEORGIA

PUBLIC HEARING to be held be-
fore the Fayette County Board of
Commissioners on Thursday, Feb-
ruary 26, 2026, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No.:RDP-022-26

Owner/Agent:Ted V. Ehrhart

Zoning District: R-40

Parcel Number:0508 031

Area of Property:4.75 acres

Land Lot(s): 34

District:5th

Fronts on:Brookshire Drive

Request: Request approval of a
Revised Development Plan to al-
low the subdivision of Parcel 0508
031 into two (2) parcels, within the
Coventry Estates Subdivision.

PROPERTY DESCRIPTION

All that tract or parcel of land ly-
ing and being in Land Lot 34 of
the 5th District of Fayette County,
Georgia and being Lot 48 of Cov-
entry Estates Subdivision, as per
plat recorded at Plat Book 5, Page
105, Fayette County, Georgia re-
cords, which plat is incorporated
herein by this reference and there-
by made a part hereof, and being
further known as 245 Brookshire
Drive, Fayetteville, Georgia 30215
according to the present system
of numbering addresses in Fayette
County, Georgia.

02/04

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner, applicant request approval of a Revised Development Plan, to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision; property located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run.

Background/History/Details:

Applicant proposes to revise the development plan for Coventry Estates by subdividing 538 Lester Road, consisting of 21.15 Acres, into 6 parcels. Proposed Lot 1 will consist of approximately 4.13 acres, proposed Lot 2 is 3.66 acres, Lot 3 is 3.23 acres, Lot 4 is 3.31 acres, Lot 5 is 3.31 acres, and proposed Lot 6 is 3.51 acres. Per Sec. 104-595.(2)h.2., proposed revisions to a recorded major final plat shall, after prescribed public notice, be considered in public hearings before the Planning Commission and Board of Commissioners.

Staff recommends CONDITIONAL APPROVAL, subject to the following condition(s): 1. Fayette County Watershed Protection Ordinance will apply to the parcel(s). 2. The hangar shall be removed from parcel 0515 037 within 180 days or prior to submission of a revised final plat, whichever comes first.

On February 5, 2026, the Planning Commission voted as follows: Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-023-26. John Kruzan seconded the motion. The motion carried 5-0.

What action are you seeking from the Board of Commissioners?

Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner, applicant request approval of a Revised Development Plan, to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision; property located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

RDP-023-26

REQUESTED ACTION: Revise the Development Plan for Coventry Estates

PARCEL NUMBER: 0515 037

PROPOSED USE: R-40, Single-Family Subdivision

EXISTING USE: Lot in single-family residential neighborhood

LOCATION: Coventry Estates aka 538 Lester Rd.

ZONING: R-40, Single-Family Residential

LOT SIZE: 21.15 Acres

DISTRICT/LAND LOT(S): 5th District, Land Lots 65 and 66

OWNER(S): David Gerald Stout Bryan Spousal Trust, Phoebe Jernigan Bryan, Trustee

AGENTS: N/A

PLANNING COMMISSION PUBLIC HEARING: February 5, 2026

BOARD OF COMMISSIONERS PUBLIC HEARING: February 26, 2026

REQUEST

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

APPLICANT'S INTENT

Applicant proposes to revise the development plan for Coventry Estates by subdividing 538 Lester Road, consisting of 21.15 Acres, into 6 parcels. Proposed Lot 1 will consist of approximately 4.13 acres, proposed Lot 2 is 3.66 acres, Lot 3 is 3.23 acres, Lot 4 is 3.31 acres, Lot 5 is 3.31 acres, and proposed Lot 6 is 3.51 acres.

PLANNING COMMISSION RECOMMENDATION

On February 5, 2026, the Planning Commission voted to recommend **CONDITIONAL APPROVAL** of the

request to revise the development plan for Coventry Estates, subject to conditions as presented by staff. Jim Oliver made the motion to recommend **CONDITIONAL APPROVAL** of Petition RDP-023-26. John Kruzan seconded the motion. The motion carried 5-0.

STAFF RECOMMENDATION

Staff recommends **CONDITIONAL APPROVAL**, subject to the following condition(s):

1. Fayette County Watershed Protection Ordinance will apply to the parcels upon subdivision.
2. The hangar shall be removed from parcel 0515 037 within 180 days or prior to submission of a revised final plat, whichever comes first.

STAFF ASSESSMENT

At 21.15 acres, the lot is a legal lot of record and meets or exceeds all the requirements of the R-40 zoning district. All proposed lots will continue to meet the requirements of the R-40 district. The existing structures on Lot 1 are required to be removed since an accessory structure cannot exist without a primary structure if the property is subdivided as per the concept plan. It is staff's opinion that this change in the development is not likely to adversely impact the existing subdivision by adding a residential lot.

The lots in the contiguous part of Coventry Estates range in size from 2.30 acres to 11.90 acres, with an average lot size of 5.54 acres. Note: This calculation does not include the Bryan parcel at 538 Lester Road. That parcel was originally 26.01 acres and was proposed to be divided into 5 parcels. 498 Lester Road, at 4.86 acres, was the only parcel to be split off the Bryan parcel, leaving 21.15 under Bryan ownership.

An 11.90 acre lot is also owned by Bryan but is likely undevelopable due to the extent of the floodplain on the lot.

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

	<p>nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.</p>	<p><i>family residential and is large enough to retain the agricultural character of the neighborhood.</i></p>
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INVESTIGATION

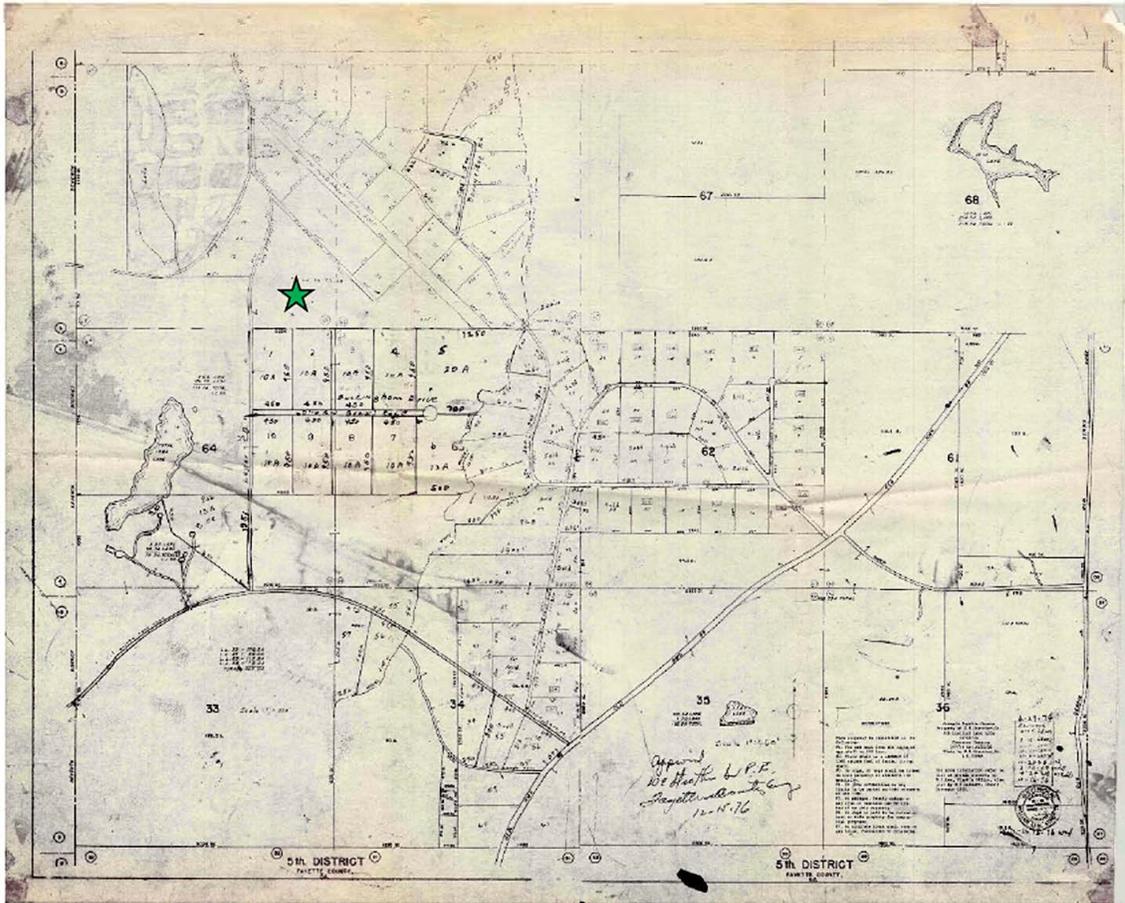
A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned R-40 (Single-Family Residential). It is platted as a lot in Coventry Estates subdivision, recorded in Plat Book 5, Page 105, on August 15, 1969. This property is not located in an Overlay District.

Rezoning History:

The property is depicted as R-40 on the 1971 Zoning Map.

The Tax Plat below provides the best depiction of the early layout of the subdivision.



B. SURROUNDING ZONING AND USES

The parcels surrounding the subject property are all zoned A-R and the Future Land Use Map for all these parcels is Rural Residential-2, 1 Unit/2 Acres and Rural Residential-3, 1 Unit/3 Acres. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	6.70	R-40	Single-family Residential	Rural Residential - 3
South	5.00	A-R	Agricultural-Residential	Rural Residential - 3
	20.80	A-R & R-40		
East	4.50	R-40	Single-Family Residential	Rural Residential – 2 and Rural Residential - 3
	4.20			
	7.40			
West	5.40	R-70	Single-Family Residential	Rural Residential - 3
	2.10			
	2.00			

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential – 2 and Rural Residential - 3 on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Lester Road and Red Fox Fun.

Site Plan: The applicant submitted a concept plan for the property. It DOES meet the current requirements for R-40, which requires that a parcel be at least 65,340 square feet (1.5 acres) in size where neither a central sanitary sewer nor a central water distribution system is provided.

F. DEPARTMENTAL COMMENTS

- Water System** – Water is not within the distance required to connect to public water system by approximately 500 feet. Fayette County Water System has no objections to this revised development plan.
- Public Works/Environmental Management** – No objections.
 - **Site Distance** - The speed limit on Lester Road is 35 MPH, requiring 390-ft. of sight distance. Red Fox Run has a speed limit of 25 MPH, requiring 280-ft of sight distance.
 - **Access Management** - Lester Road is a Minor Arterial with an apparent 60-ft right of way. Red Fox Run is a County Local with an apparent 50-ft right of way. There is no traffic data for these roads. A driveway permit will be required for each new lot.
- Environmental Health Department** – This office has no objection. However, the following criteria apply and must be reflected in the final plat.
 - **Floodplain Management** - The property **DOES NOT** contain floodplain per FEMA FIRM panels 13113C0092E and 13113C0111E dated September 26, 2008. The property **DOES NOT** contain additional flood plain delineated in the FC 2013 Dewberry Flood Study.
 - **Wetlands** - The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process as to the existence or non-existence of wetlands.
 - **Watershed Protection** - There **ARE** state waters located on the subject property and the site **WILL BE** subject to the Fayette County Watershed Protection Ordinance upon subdivision.
 - **Groundwater** - The property **IS** within a groundwater recharge area.
- Post Construction Stormwater Management** - This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces for a major subdivision or commercial site plan.
- Fire** – Mandatory water connection not required due to the distance to existing water service.
- GDOT** – Not applicable, not on State Route.

STANDARDS FOR CONSIDERATION OF A REVISED DEVELOPMENT PLAN**Article XV. – Subdivision Regulations.****Sec. 104-595. – Approval of subdivisions.**

(2) *Major or minor final plat.*

h. *Revision to a recorded final plat.*

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

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

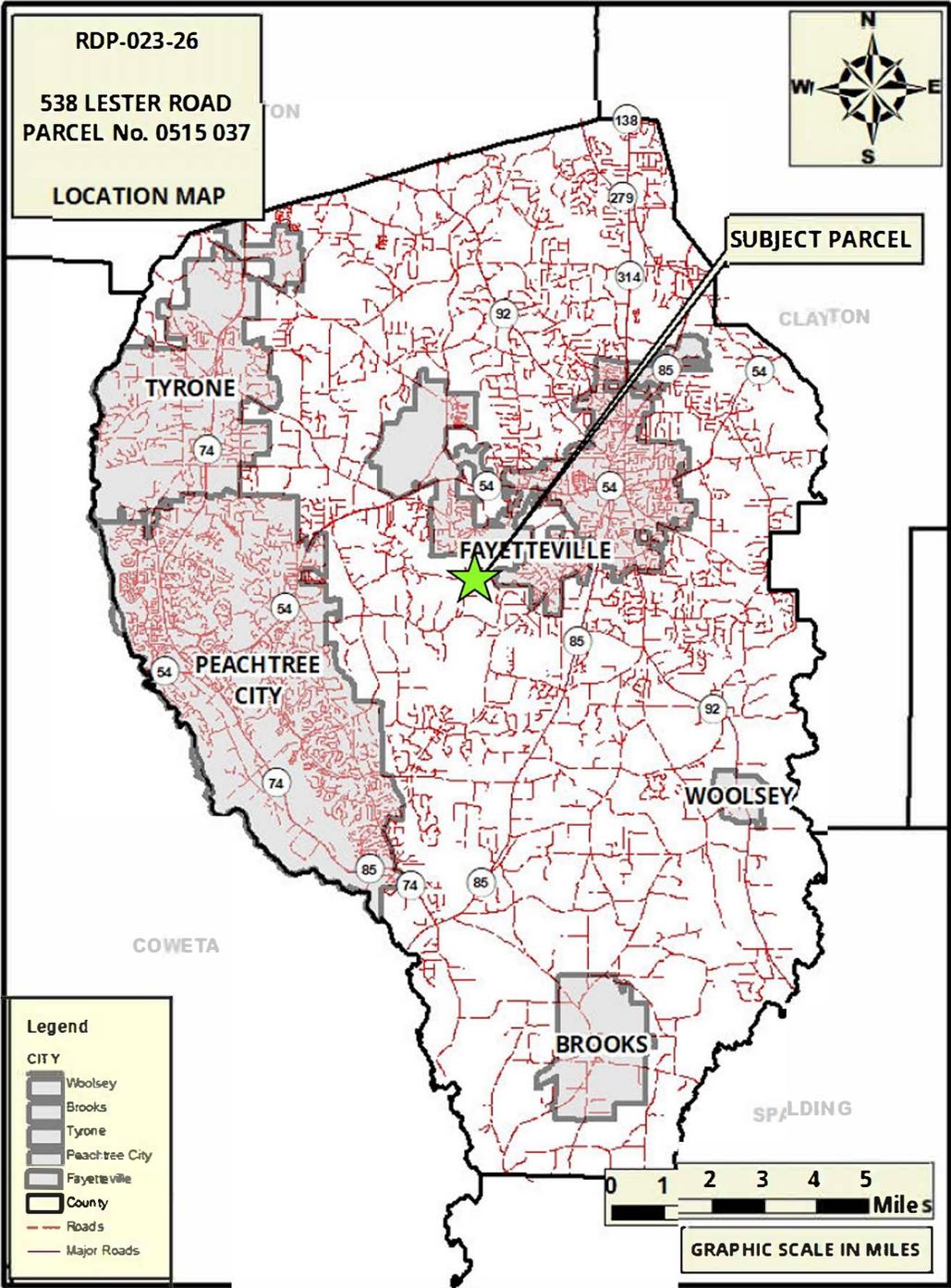
lot widths within a range, the average lot width and the degree proposed lots will be more narrow than existing lots.

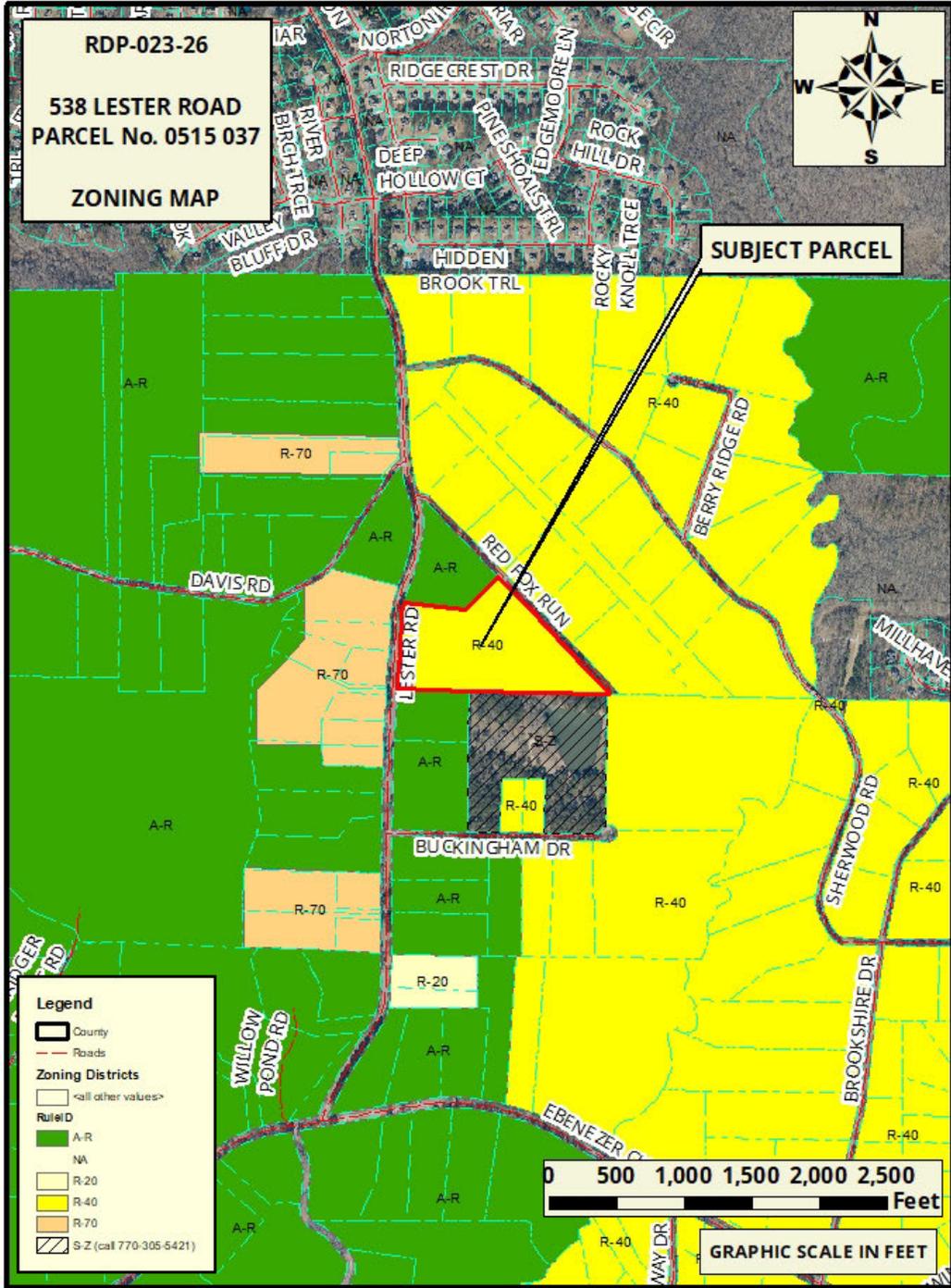
- iv. *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting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

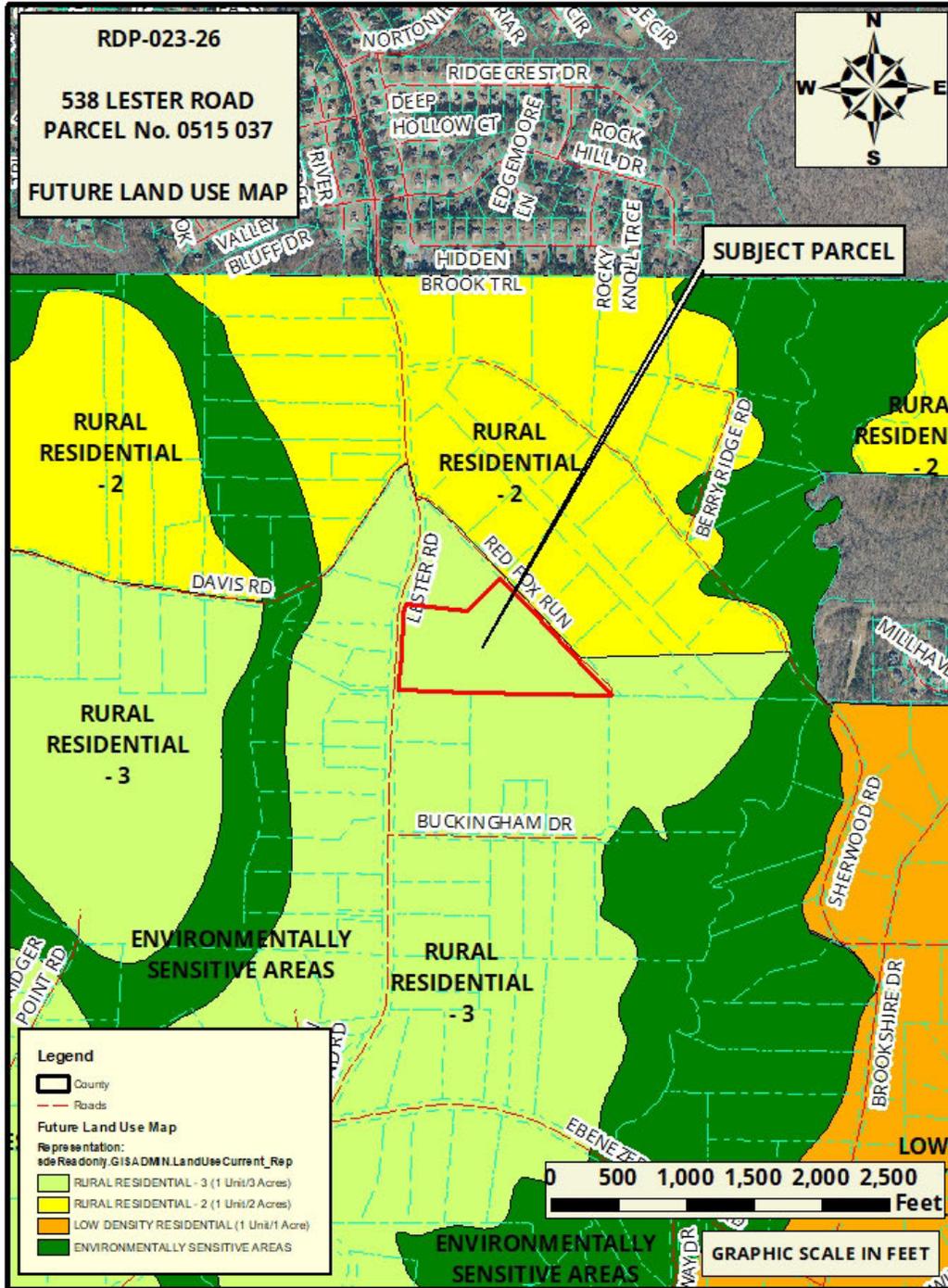
ZONING DISTRICT STANDARDS**Sec. 110-137. R-40, Single-Family Residential District.**

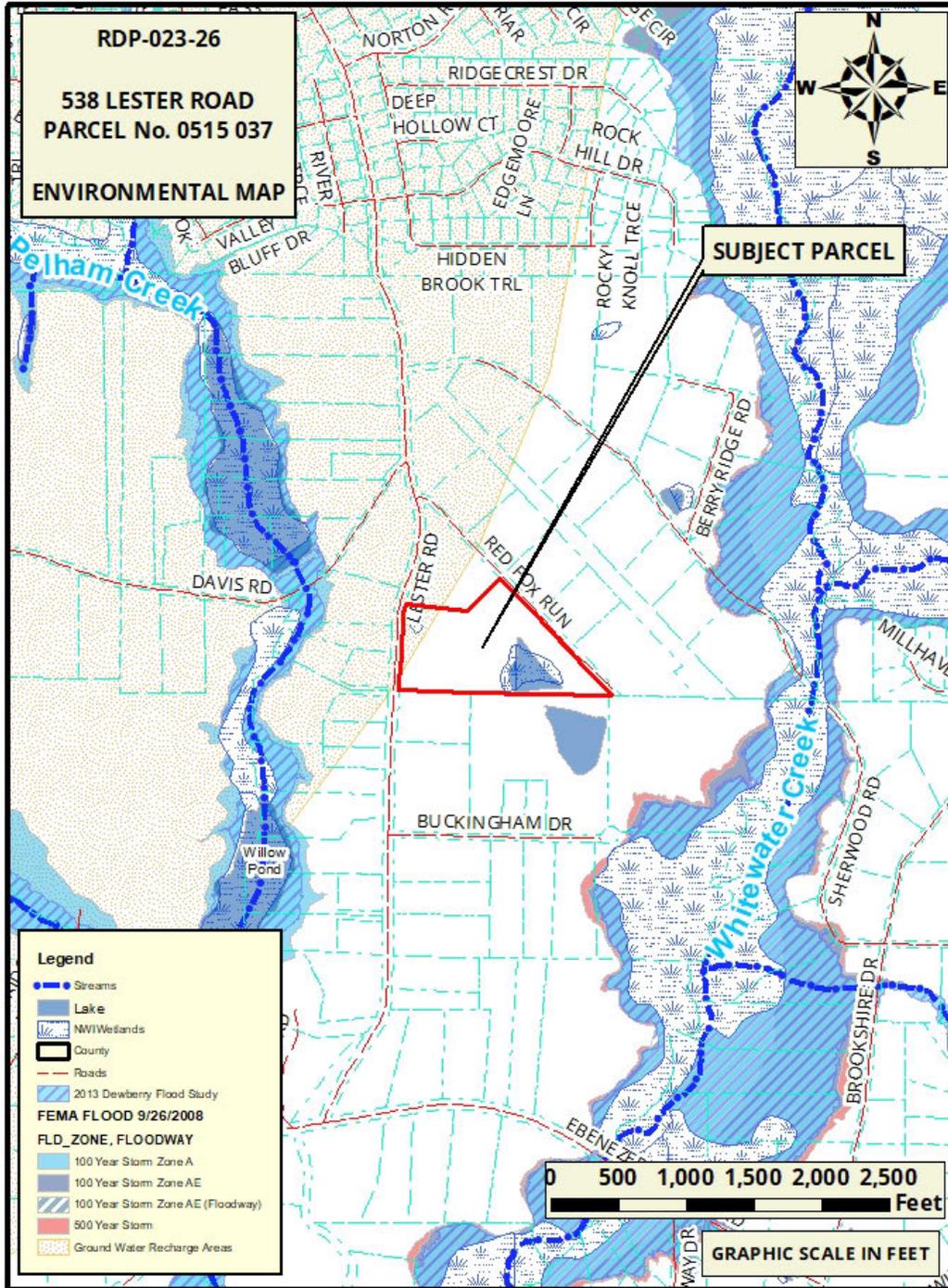
- (a) *Description of district.* This district is composed of certain lands and structures in the county, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-40 zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter); and
 - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-40 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
 - (2) Developed residential recreational/amenity areas;
 - (3) Home occupation;
 - (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
 - (3) Floor area: 1,500 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
 - (5) Rear yard setback: 30 feet.

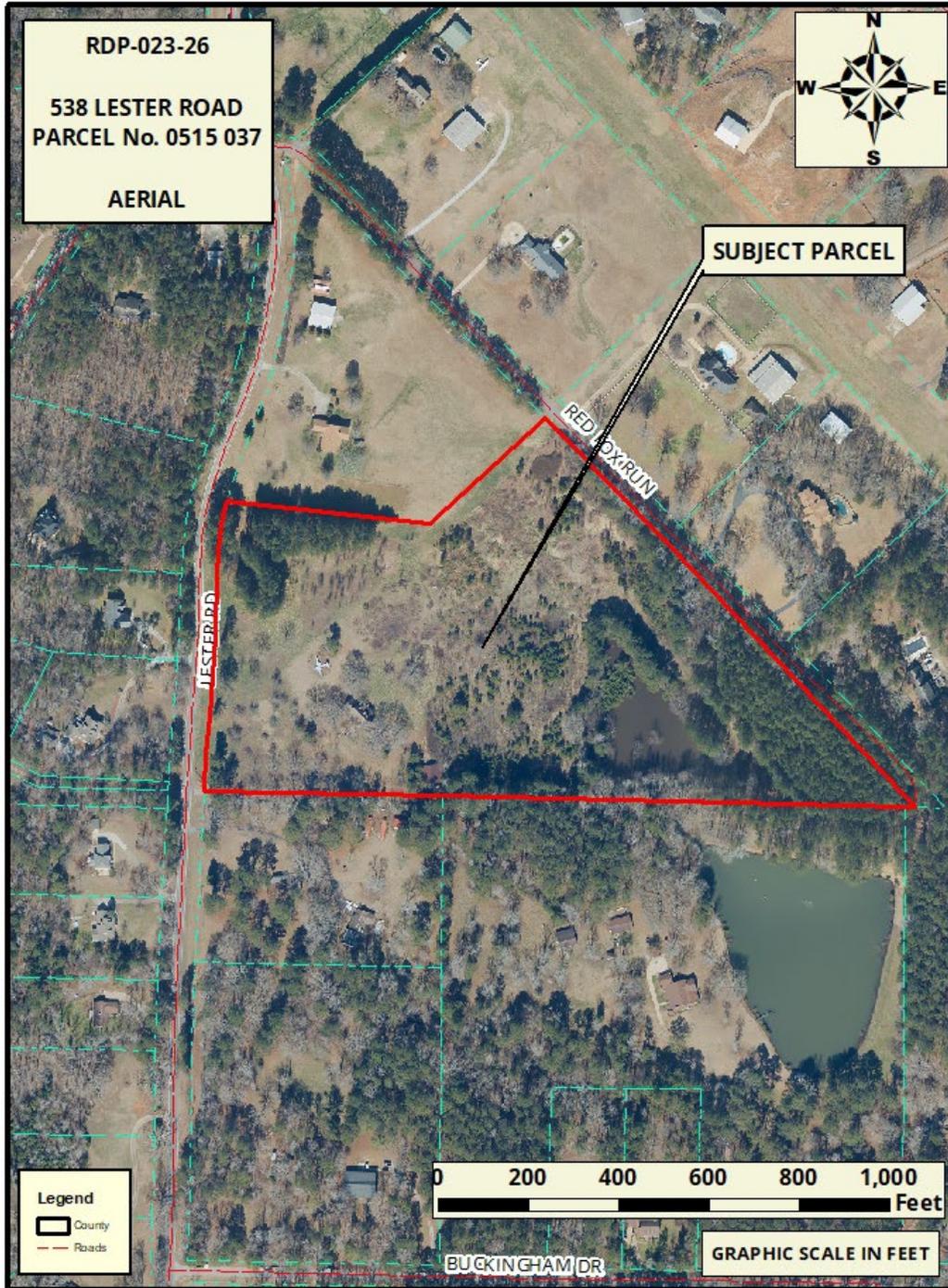
- (6) Side yard setback: 15 feet.
- (7) Height limit: 35 feet.

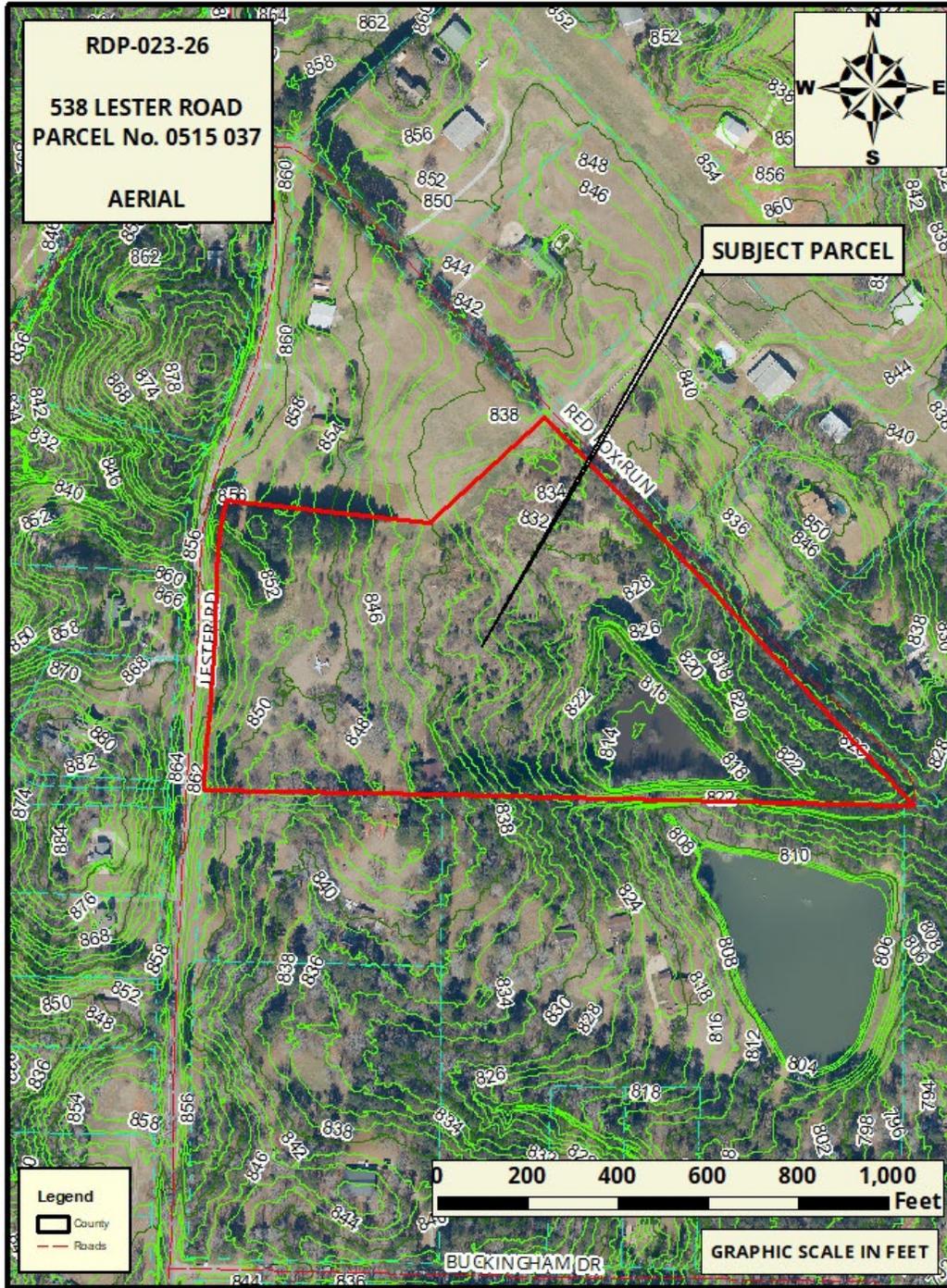


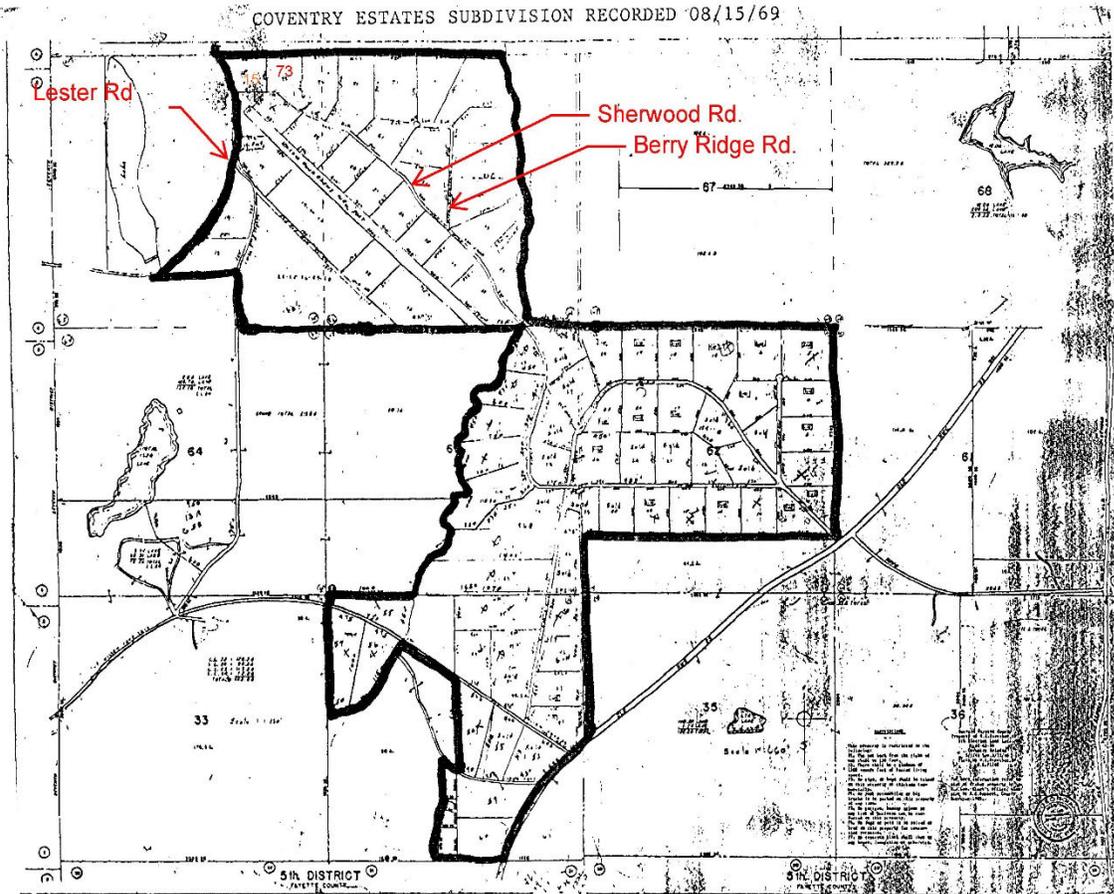




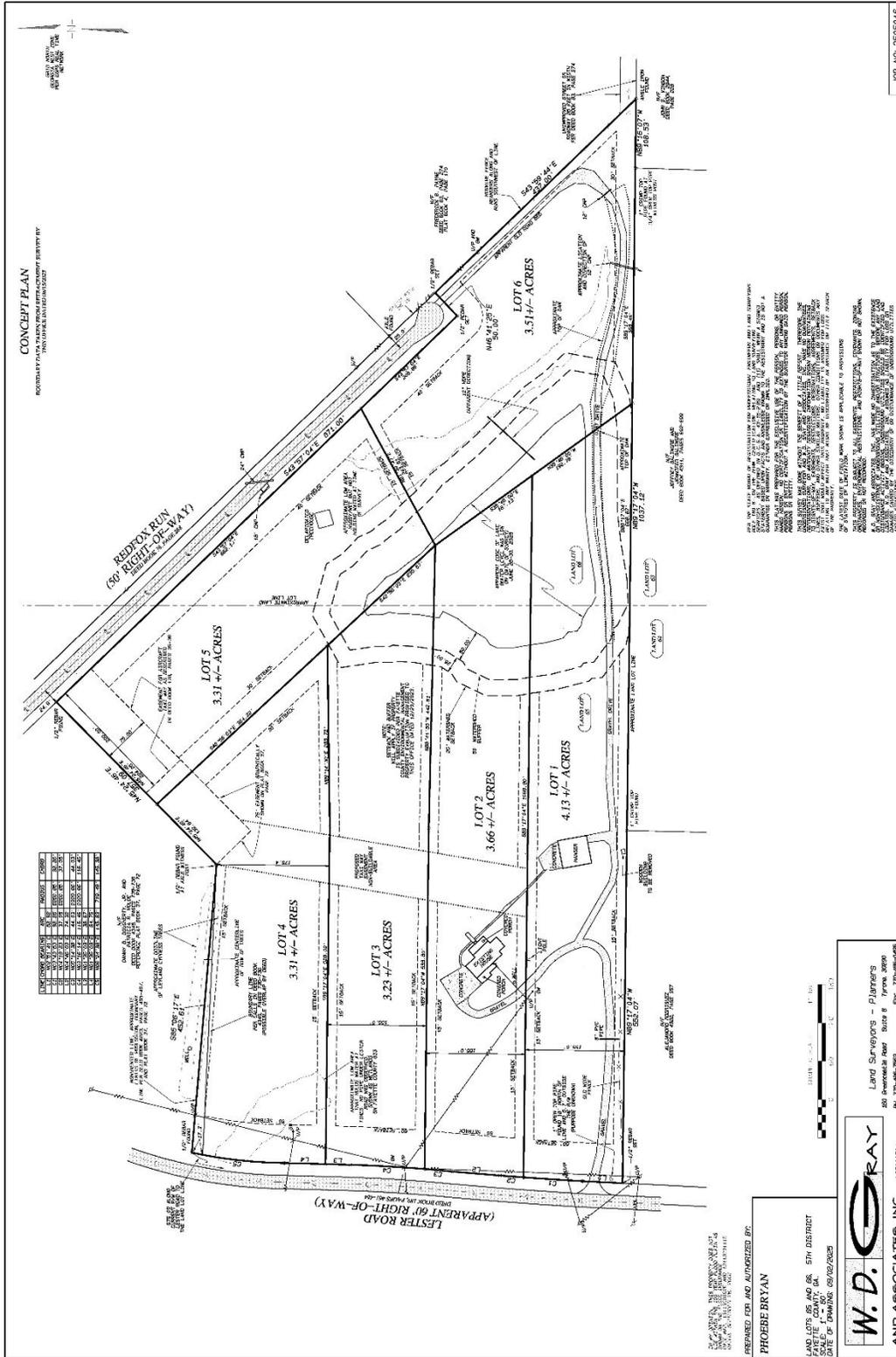








*Recorded 8-15-69 w a Ballard, Club.
Coventry Estates*



CONCEPT PLAN

BOARD MEMBERS

Danny England, Chairman
Boris Thomas, Vice-Chairman
John Kruzan
Jim Oliver
Virgil Hooper

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
February 05, 2026
7:00 pm**

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

NEW BUSINESS

1. Call to Order. *Chairman Danny England called the February 5, 2026, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman Danny England offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Jim Oliver made a motion to approve the agenda as presented. Virgil Hooper seconded the motion. The motion carried 5-0. Deborah Bell, Planning and Zoning Director, was absent.*
4. Consideration of the Minutes of the meeting held on January 15, 2026. *Jim Oliver made a motion to approve the minutes of the meeting held on January 15, 2026. Boris Thomas seconded the motion. The motion carried 4-0-1. John Kruzan abstained; he wasn't present at the last meeting.*
5. Plats
 - a. Minor Final Plat of Fayette Padgett 14. *Jim Oliver made a motion to approve the Minor Final Plat of Fayette Padgett 14. Vice-Chair Boris Thomas seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

6. Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner. Applicant request approval of a Revised Development Plan to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 34 of the 5th District and fronts Brookshire Drive. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-022-26. John Kruzan seconded the motion. The motion carried 4-1. Chairman Danny England Opposed.***

7. Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner. Applicant request approval of a Revised Development Plan to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run. ***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-023-26. John Kruzan seconded the motion. The motion carried 5-0.***

Jim Oliver moved to adjourn the January 6, 2026, Planning Commission meeting. John Kruzan seconded. The motion passed 5-0.

The meeting adjourned at 7:47 pm

Meeting Minutes 2/5/2026

THE FAYETTE COUNTY PLANNING COMMISSION met on February 5th, 2026, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
Boris Thomas, Vice-Chairman
John Kruzan
Jim Oliver
Virgil Hooper

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

1. Call to Order. *Vice-Chairman Danny England called the January 15, 2026, meeting to order at 7:01 pm.*
2. Pledge of Allegiance. *Vice-Chairman Danny England offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Jim Oliver made a motion to approve the agenda as presented. Virgil Hooper seconded the motion. The motion carried 5-0. Deborah Bell, Planning and Zoning Director, was absent.*
4. Consideration of the Minutes of the meeting held on January 15, 2026. *Jim Oliver made a motion to approve the minutes of the meeting held on January 15, 2026. Boris Thomas seconded the motion. The motion carried 4-0-1. John Kruzan abstained; he wasn't present at the last meeting*
5. Plats.
 - a. Minor Final Plat of Fayette Padgett 14.

Ms. Deborah Sims stated the Plat has been received and approved by staff and meets all conditions and regulations.

Mr. Richard Ferry asked the board if they had any questions he would be happy to answer.

With no questions, the Board moved for a motion.

Jim Oliver made a motion to approve the Minor Final Plat of Fayette Padgett 14. Vice-Chair Boris Thomas seconded the motion. The motion passed 5-0.

PUBLIC HEARING

6. Consideration of Petition RDP-022-26, Ted V. Ehrhart, Owner. Applicant request approval of a Revised Development Plan to allow the subdivision of Parcel 0508 031 into two (2) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 34 of the 5th District and fronts Brookshire Drive.

Ms. Deborah Sims read the description above and added that the applicant wanted to subdivide lot 48 within Coventry Estates located at 245 Brookshire Drive to develop the parcel into two (2) lots, and that it is over 4 acres and that subdividing this property will cause watershed protection to be impacted on both lots. Ms. Sims showed the location on the maps and explained that there is some floodplain and watershed protection that will be addressed on the final plat. Staff recommended conditional approval, where watershed protection ordinance will apply to the parcels.

Mr. Ted Ehrhart came to the podium but didn't comment.

Chairman Danny England asked if anyone was in support of the petition.

Mr. Dale Bryan commented in support of the additional lot and stated it seems logical to add another lot and did not believe will make any changes to the subdivision.

Chairman England asked if anyone was in opposition to the petition.

Lynn Cochran stated she has lived in the subdivision for nine years and does not know the applicant and pointed out that the aesthetics of the neighborhood will change from three to five acres into smaller lots.

Nannette Willett stated he doesn't know the applicant and asked why he would like to split the land.

Chairman England asked the audience if anyone else was in opposition; with no response the called the applicant to return for rebuttal.

Richard Ferry stated the reason he wanted to subdivide the land for him and his wife to build a smaller home to live in and leave the current home to his daughter and grandson to have the family closer together.

Chairman England brought the item back to the board for questions.

Mr. Jim Oliver commented that the reason is good for a family member.

Chairman England pointed that staff did a good job explaining the factors to consider the pros and cons on page three of the staff report and that in the past the board has denied petitions when a change will adversely affect the existing character of a neighborhood and thinks there is some consideration to consider by changing lots from an example of four acres lots to half of that size and if the board didn't have any more comments to entertain a motion.

Vice-Chair Boris Thomas asked if the setbacks would change?

Chairman England asked staff if setbacks would be the same as the current home.

Ms. Deborah Sims responded that it was correct, and the main change, because we are adding to the density of the neighborhood, will be subject to the watershed protection on the rear side of the lot upon subdivision.

Vice-Chair Thomas asked staff if the applicant wanted to build a smaller home on the new lot. Does that change anything?

Ms. Sims responded that the house will still need to meet all of the requirements, and R-40 zoning cannot be any smaller than 1,500 Square Feet.

Mr. Virgil Hooper asked staff if, in the past, other lots had been subdivided, and if there was a situation where a ten acre lot would need additional requirements?

Ms. Sims responded that anytime it subdivided whatever into they still have to meet the minimum requirements of the neighborhood additional requirements that we have now and didn't have before when Coventry Estates was originally developed; any lot in the R-40 zoning have to show that they have at least 0.3 contiguous buildable acres free and clear of any setbacks, regulations are more strict and the fact that they don't have county water means the smallest size they can go is one acre and a half.

Chairman England asked the board for any other questions or comments, or to entertain a motion.

Staff recommended **CONDITIONAL APPROVAL**, subject to the following condition(s):

1. Fayette County Watershed Protection Ordinance will apply to the parcel(s). Existing structures shown to be in the watershed protection setbacks on a new final plat will be allowed to remain, however no new structures or expansion into the Watershed Protection setbacks will be permitted.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-022-26. John Kruzan seconded the motion. The motion carried 4-1. Chairman Danny England Opposed.

7. Consideration of Petition RDP-023-26, Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust, Owner. Applicant requests approval of a Revised Development Plan to allow the subdivision of Parcel 0515 037 into six (6) parcels, within the Coventry Estates Subdivision. Property is located in Land Lots 65 and 66 of the 5th District and fronts Lester Road and Red Fox Run.

Ms. Sims stated the proposal for Coventry Estates also consists of a 21.15 acre lot that has two road frontages on two sides onto Lester Road and Red Fox Run into six lots. The land use plan for this part of Coventry Estates shows a minimum of three acres, their proposal does meet that, even though they will be R-40. There is already a hanger and a house; the hanger will not be allowed to remain without a primary structure on that property, and staff is requesting approval with two conditions, where the hanger will have to be removed within 180 days or prior to the subdivision of the property.

Chairman Danny England asked if the petitioner was present.

Dale Bryan stated he reached out to the Department of Building Safety to request what will be needed to commence the demolition permit to remove the structure and have it done in the next several weeks. Also talked to contractors and stated the structure is a Pole barn (Metal), which will take a week or two to remove. Mr. Bryan pointed at the maps to explained they have the aesthetics of the neighborhood covered to make sure they match the rest of the subdivision.

Chairman England asked the audience if anyone would like to speak in favor of the petition, with no response then he asked for any opposition to come to the podium to speak.

Mr. Norman Nolde asked about the burned-down house and a septic tank that will have to be pulled out; also mentioned there are two right-of-way associated with the airport and they are taking this into account in their plat.

Ms. Sims showed the concept plan with the easement, and before any subdivision could be approved, it would have to go through our review, and this is just to see if it could be acceptable to subdivide into that many lots.

Dan Dougherty stated the property is not part of Coventry Estates, it is part of the airfield and the plat was not consistent with the rest of anything. State the property was used as a land dump and what is the plan to remediate the lake and its next to a zoned property.

David Reuter asked staff to bring the concept plan and stated when it was surveyed, they are not showing the entire plan. He doesn't really have any objections, just wanted some clarification.

Bill Peters objectives the lots in these areas don't have any city water; they are on wells.

Chairman England asked whether there was anyone else opposed to the petition. With no response, he asked the petitioner to come back for rebuttal.

Mr. Dale Bryan responded to the opponents' concerns and stated that each lot will be large enough to accommodate a well and septic tank; the burn-down house has been boarded up to prevent people from getting in and will be removed at some point, and the septic tank was in use and wanted to keep the well for continuing use. The landfill was biodegradable, dumped in the back of the property to help with stormwater issues they had at the time. His proposal stated it was designed to sustain well and septic if needed for each lot.

Jim Oliver asked the petitioner if the airstrip was still active.

Mr. Bryan responded that it is, and they want to make sure that the people who purchase the new home will be able to use it if they want to.

Jim Oliver asked is that a recorded easement, the airstrip? And what if they want to build a structure for an airplane?

Ms. Sims responded that the surveyor would verify when they present the minor final plat to subdivide the property, showing the buildable area of each lot.

Mr. Virgil Hooper asked if they could add another condition to make sure they demolish the house.

Ms. Alison Cox, County Attorney, responded that the reason the hanger is part of the condition is that they cannot have a hanger; it will become an illegal structure on R-40 zoning without a primary house. The house can stay because it is a primary use and can always get a permit to be demolished and build a new one.

Chairman England asked the board if they had any more questions or to entertain a motion.

Staff recommends **CONDITIONAL APPROVAL**, subject to the following condition(s):

1. Fayette County Watershed Protection Ordinance will apply to the parcels upon subdivision.
2. The hangar shall be removed from parcel 0515 037 within 180 days or prior to submission of a revised final plat.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition RDP-023-26. John Kruzan seconded the motion. The motion carried 5-0.

Jim Oliver moved to adjourn the January 6, 2026, Planning Commission meeting. John Kruzan seconded. The motion passed 5-0.

The meeting adjourned at 7:47 pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

DANNY ENGLAND, CHAIRMAN

**MARIA BINNS,
PC SECRETARY**

DRAFT

PETITION No (s): RDP-023-26

SAGES REFERENCE No.: _____

STAFF USE ONLY

APPLICANT INFORMATION

Name Phoebe J. Bryan, Trustee
Address 198 Seay Rd.
City Fayetteville
State GA Zip 30215
Email 
Phone 770-310-1344

PROPERTY OWNER INFORMATION

Name David Gerald Stout
Address Bryan Spousal
City Trust
State ← Same address
Email _____
Phone _____

AGENT(S) (if applicable)

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

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: Maria Binns Date: 12/09/2025

DATE OF PLANNING COMMISSION HEARING: February 5, 2026

DATE OF COUNTY COMMISSIONERS HEARING: February 26, 2026

Received from Phoebe Bryan a ^{cc} check in the amount of \$ 350.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 12/09/2025 Receipt Number: 025983

PETITION No.: RDP-023-26 Fees Due: 350.00 Sign Deposit Due: 40.00
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0515 037 Acreage: _____
Land District(s): 5TH Land Lot(s): 65 AND 66
Road Name/Frontage L.F.: LESTER/RED FOX 676/871 Road Classification: MINOR ARTERIAL/INTERNAL LOCAL
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL
Structure(s): YES Type: HOUSE + HANGER Size in SF: 1775 +/- / 3790 +/-
Existing Zoning: R-40 Proposed Zoning: R-40
Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL
Water Availability: NO Distance to Water Line: _____ Distance to Hydrant: 3000' +/-

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____
STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:
Phoebe J. Bryan, Trustee of David Gerald Stout Spousal Trust
(Please Print)

Property Tax Identification Number(s) of Subject Property: 0515 037

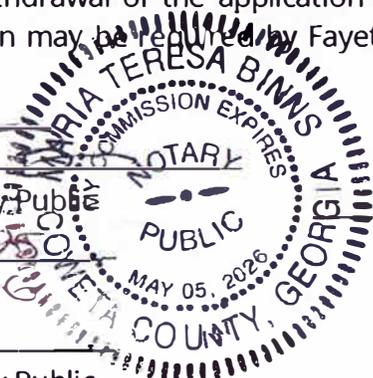
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 65-66 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) Phoebe J. Bryan, Trustee
Signature of Property Owner 1
198 Seay Rd. Fayetteville GA 30215
Address

Mina T. Binns
Signature of Notary Public
12/09/2020
Date
May 01, 2026



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

PETITION No.: RDP-023-26

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: Phoebe J. Bryan

ADDRESS: 198 Seay Rd. Fayetteville, GA 30215

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

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

This property includes: (check one of the following)

- See attached legal description on recorded deed for subject property or
- Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of February 5, 2026 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of February 26, 2026 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9th DAY OF December, 2025

Phoebe J. Bryan

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria T. Binns

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Phoebe J. Bryan, 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 Lester Rd. as measured from the centerline of the road.

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

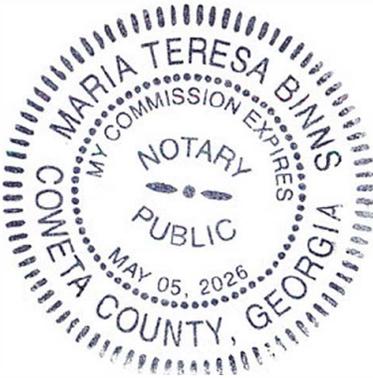
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 9th day of December, 2025.

Phoebe J. Bryan
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria Teresa Binnis
NOTARY PUBLIC



CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

- Application form and all required attachments completed, signed, and notarized, as applicable.
- Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- Boundary Survey (Separate from Conceptual Plan; 1 paper copy and 1 electronic copy in .pdf format), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor.
- Legal Description (must have metes and bounds) – 1 paper copy and 1 electronic copy in Microsoft Word .docx format
- A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, granting this application
- Conceptual Plan (1 paper copy and 1 electronic file in .pdf format). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey; however it is required to be drawn to scale, and include all applicable items below:

- _____ a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
- _____ b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
- _____ c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
- _____ d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
- _____ e. Minimum zoning setbacks and buffers, as applicable.
- _____ f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
- _____ g. Location and dimensions of exits/entrances to the subject property.
- _____ h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
- _____ i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.

- A letter of intent for a non-residential rezoning request, including the proposed use(s).

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 9th day of December, 2025.

By Bryan

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

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.



Doc ID: 010221110003 Type: ESTD
Recorded: 08/31/2017 at 10:00:00 AM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4650 PG 148-150

RETURN TO:
Robert M. Goldberg & Associates
P.O. Box 294
Williamson, Georgia 30292

EXECUTRIX'S DEED OF ASSENT

Fayette County, Georgia

THIS INDENTURE made and entered into this 17th day of AUGUST, 2017, between **Phoebe Jernigan Bryan, as Executrix of the Estate of David Gerald Stout Bryan**, deceased by virtue of the Letters granted by the Probate Court of Fayette County, Georgia on July 21, 2017. Party of the first part, to **Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust dated April 9, 2017**, Party of the Second Part;

Witnesseth:

THAT WHEREAS, *David Gerald Stout Bryan* died, a resident of Fayette County and Letters Testamentary were granted on July 21, 2017 by the Probate Court of Fayette County; and

WHEREAS, *Phoebe Jernigan Bryan*, qualified as Executrix and took the oath of office of Executrix's of said Estate and she has served since that date as Executrix of said Estate under and by virtue of the aforesaid Letters; and,

WHEREAS, the said decedent, *David Gerald Stout Bryan*, died vested and possessed of certain real property in Fulton County, Georgia, as hereinafter described; and

WHEREAS, the said *Phoebe Jernigan Bryan*, Executrix of the decedent's estate desires to make distribution of the hereinafter described real property to *Phoebe Jernigan Bryan, Trustee of the David Gerald Stout Bryan Spousal Trust dated April 9, 2017*, under and by virtue of the terms of the Last Will and Testament of *David Gerald Stout Bryan*; and

WHEREAS, The undersigned Executrix does hereby express her assent to the aforesaid devise of the real property hereinafter described, and the execution and delivery of the within instrument will evidence such assent by the aforesaid Executrix, pursuant to the pertinent provisions of the Laws of Georgia, so as to pass title to the real property hereinafter described to the party of the Second Part;

NOW THEREFORE, in order to consummate the purpose and intention of the *Last Will and Testament of David Gerald Stout Bryan*, and to pass title to the real property hereinafter described to the Party of the Second Part and in consideration of the power and authority conferred by the pertinent laws of Georgia and contained in said Letters, the Party of the First Part does hereby convey and deliver to the Party of the Second Part, specifically, the following real property, to wit;

538 Lester Road, Fayetteville, Fayette County and South of 430 Sherwood Road, Fayetteville, Fayette County, according to the numbering system in Fulton County, Georgia.

TRACT 1

All that tract or parcel of land lying and being in Land Lots 65 and 66 of the 5th Land District, Fayette County, Georgia, as shown by Plat of M.E. Hyde and Asso., dated July 19, 1982 entitled "Survey for Gerald S. Bryan" and in accordance with said plat being more particularly described below.

All that tract or parcel of land lying and being in Land Lot 66 of the 5th Land District of Fayette County, Georgia, containing 17.21 acres, more or less, as shown by Plat of M.E. Hyde and Assoc., dated July 15, 1982 entitled "Survey for Gerald S. Bryan" and in accordance with said plat being more particularly described as follows:

Beginning at the point where the center thread of a stream or creek known as Whitewater Creek intersects with the south line of Land Lot 66 aforesaid (which point of beginning is also located 670.1 feet westwardly, as measured along the south line of Land Lot 66 aforesaid, from the original southeast corner of said Land Lot 66); running thence in a general northwardly direction, as measured along the acutely meandering center thread of said Whitewater Creek, 1,360.4 feet, more or less, to a point, which point is marked by an offset iron pin located 1,360.4 feet north, 3 degrees 1 minute 13 seconds east, from the point of beginning last mentioned and is also located 8 feet south, 48 degrees 24 minutes 20 seconds west, from the center thread of the said Whitewater Creek; from the offset iron pin aforesaid, running thence south, 48 degrees 24 minutes 20 seconds west, (and transversing the right of way 50 feet in width of an improved public road known as Sherwood Road) 1,327 feet to an iron pin on the northeasterly margin of the Willow Pond Airport runway; thence south, 41 degrees 35 minutes 40 seconds east, as measured along the northeasterly margin of said Willow Pond Airport runway, 600 feet to an iron pin on the south line of Land Lot 66 aforesaid; thence south, 86 degrees 38 minutes 34 seconds east, as measured along the south line of Land Lot 66 aforesaid; 525 feet back to the point of beginning hereof.

Tract 2 above described embraces a public street or roadway known as Sherwood Road, which road has a right of way uniformly 50 feet in width. Said right of way, as the same is shown on the above referenced plat, is excepted from Tract 2 aforesaid.

TRACT 2

All that tract or parcel of land lying and being in Land Lot 66 of the 5th District, Fayette County, Georgia, and being shown as Lot 53 on Plat of the W. Earl Strother Property recorded in Plat Book 4, Page 170, Fayette County Records, and being more particularly described as follows:

Beginning at an iron pin at the intersection of the south line of Land Lot 66 with the west bank of White Water Creek, said iron pin also being located 610 feet west of the southeast corner of said Land Lot; thence running west along the south Land Lot line 525 feet to an iron pin on the northeast side of Willow Pond Air Port; thence running north 45 degrees west, along the northeast side of said Willow Pond Airport 600 feet to an iron pin at the southernmost corner of Lot 54, aforesaid plat; thence running northeasterly along the southeast lines of Lots 54 and 64 a distance of 1200 feet to an iron pin on the westerly bank of White Water Creek; thence running southerly along the westerly bank of White Water Creek, and following the meandering thereof, 1050 feet more or less, to the iron pin on the south line of said Land Lot A the point of beginning.

Together with the right of ingress and egress to and from the above described property over and across Sherwood Road, being a dedicated road shown on said plat across other property of W.E. Strother, Sr. and Jr.

Map Parcel # 05-15-011

To HAVE AND TO HOLD the above – described property, together with the rights, members and appurtenances thereunto belonging or in any wise appertaining to the proper use, benefit and behoof of the said Party of the Second Part, and its assigns, forever in as full and ample a manner as the same was possessed or enjoyed by the said *David Gerald Stout Bryan*, deceased in his lifetime in fee simple.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set her hand and seal, on the day and year first above written.


Phoebe Megan Bryan, Executrix of the
Last Will and Testament of
David Gerald Stout Bryan


Witness


Notary Public
My Commission Expires: 07/18/2017



Wednesday, January 21, 2026

Fayette County News B3

Continued from page B2

PETITION FOR REVISION
TO DEVELOPMENT PLAN OF
COVENTRY ESTATES SUBDI-
VISION IN UNINCORPORATED
AREAS OF FAYETTE COUNTY,
GEORGIA

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, Feb-
ruary 5, 2026, at 7:00 P.M., and
before the Fayette County Board
of Commissioners on Thursday,
February 26, 2026, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No.: RDP-023-26

Owner: Phoebe Jernigan Bryan,
Trustee of the David Gerald Stout
Bryan Spousal Trust.

Agent: Phoebe Bryan

Zoning District: R-40

Parcel Number: 0515 037

Area of Property: 21.15 acres

Land Lot(s): 65 and 66

District: 5th

Fronts on: Lester Road and Red
Fox Run

Request: Request approval of a Re-
vised Development Plan to allow
the subdivision of Parcel 0508 031
into six (6) parcels, within the Cov-
entry Estates Subdivision.

PROPERTY DESCRIPTION

TRACT 1

All that tract or parcel of land lying
and being in Land Lots 65 and 66
of the 5th Land District, Fayette
County, Georgia, as shown by Plat
of M.E. Hyde and Asso., dated July
19, 1982 entitled "Survey for Gerald
S. Bryan" and in accordance with
said plat being more particularly
described below. All that tract or
parcel of land lying and being in
Land Lot 66 of the 5th Land Dis-
trict of Fayette County, Georgia,
containing 17.21 acres, more or
less, as shown by Plat of M.E. Hyde
and Assoc., dated July 15, 1982 en-
titled "Survey for Gerald S. Bryan"
and in accordance with said plat
being more particularly described
as follows: Beginning at the point
where the center thread of a stream
or creek known as Whitewater
Creek intersects with the south line
of Land Lot 66 aforesaid (which
point of beginning is also located
670.1 feet westwardly, as measured
along the south line of Land Lot 66
aforesaid, from the original south-
east corner of said Land Lot 66);
running thence in a general north-

wardly direction, as measured
along the accutely meandering
center thread of said Whitewater
Creek, 1,360.4 feet, more or less, to
a point, which point is marked by
an offset iron pin located 1,360.4
feet north, 3 degrees 1 minute 13
seconds east, from the point of be-
ginning last mentioned and is also
located 8 feet south, 48 degrees 24
minutes 20 seconds west, from the
center thread of the said Whitewa-
ter Creek; from the offset iron pin
aforesaid, running thence south,
48 degrees 24 minutes 20 seconds
west, (and transversing the right
of way 50 feet in width of an im-
proved public road known as Sher-
wood Road) 1,327 feet to an iron
pin on the northeasterly margin of
the Willow Pond Airport runway;
thence south, 41 degrees 35 min-
utes 40 seconds east, as measured
along the north- easterly margin
of said Willow Pond Airport run-
way, 600 feet to an iron pin on the
south line of Land Lot 66 aforesaid;
thence south, 86 degrees 38 min-
utes 34 seconds east, as measured
along the south line of Land Lot 66
aforesaid; 525 feet back to the point
of beginning hereof. Tract 2 above
described embraces a public street
or roadway known as Sherwood
Road, which road has a right of way
uniformly 50 feet in width. Said
right of way, as the same is shown
on the above referenced plat, is ex-
cepted from Tract 2 aforesaid.

TRACT 2

All that tract or parcel of land lying
and being in Land Lot 66 of the 5th
District, Fayette County, Georgia,
and being shown as Lot 53 on Plat
of the W. Earl Strother Property
recorded in Plat Book 4, Page 170,
Fayette County Records, and being
more particularly described as fol-
lows: Beginning at an iron pin at
the intersection of the south line of
Land Lot 66 with the west bank of
White Water Creek, said iron pin
also being located 610 feet west of
the southeast corner of said Land
Lot; thence running west along the
south Land Lot line 525 feet to an
iron pin on the northeast side of
Willow Pond Air Port; thence run-
ning north 45 degrees west, along
the northeast side of said Willow
Pond Airport 600 feet to an iron
pin at the southernmost corner of
Lot 54, aforesaid plat; thence run-
ning northeasterly along the south-
east lines of Lots 54 and 64 a dis-
tance of 1200 feet to an iron pin on
the westerly bank of White Water
Creek; thence running southerly
along the westerly bank of White
Water Creek, and following the me-
andering thereof, 1050 feet more
or less, to the iron pin on the south
line of said Land Lot A the point of
beginning. Together with the right
of ingress and egress to and from
the above described property over
and across Sherwood Road, being
a dedicated road shown on said
plat across other property of W.E.
Strother, Sr. and Jr. Map Parcel#
05-15-11
01/21

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Public Hearing to review and receive comments for the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including the draft CIE Update to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.), to be sent to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA).

Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County in collaboration with Tyrone, Brooks, and Woolsey, has prepared the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.) This is the public hearing to present the report for approval to transmit to ARC/DCA. Brooks, Tyrone and Woolsey approved the report for transmittal to ARC for coordination of state and regional review.

Once we receive notification of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2025 Fire Services Impact Fee Report, including amendment to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan, the next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2026. These actions are required for each government to retain its Qualified Local Government status.

What action are you seeking from the Board of Commissioners?

Public Hearing to review and receive comments for the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including the draft CIE Update to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.), to be sent to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA).

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

To: Board of Commissioners

From: Debbie Bell, Director of Planning and Zoning

Date: February 26, 2026

Re: Public Hearing for the 2025 Impact Fee Annual Report & Capital Improvement Element (CIE) Update

Each year, we are required to send an IMPACT FEE Annual Report and CIE update to the Georgia Department of Community Affairs. This shows how we have collected, allocated, and how we have spent impact fee funds. It is our accountability that we have used these funds properly.

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County, in collaboration with Tyrone, Brooks, and Woolsey, has prepared the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.)

This is the public hearing to present the report and update for approval to transmit to ARC/DCA. Brooks, Tyrone and Woolsey hold a hearing and then approve the report for transmittal to ARC for coordination of state and regional review. Once approved, the County BOC approves a resolution to transmit and sends the whole package to ARC/DCA.

Once we receive notification of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2025 Fire Services Impact Fee Report, including amendment to the Capital Improvements Element and Short-Term Work Program of the Comprehensive Plan, the next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2026. These actions are required for each government to retain its Qualified Local Government status.

Fayette County and Towns of Brooks, Tyrone, and Woolsey Summary Impact Fee Financial Report FY2025 *	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$ -
Impact Fees Collected in FY 2025 By Jurisdiction	
Fayette County	\$ 116,947.60
Brooks	\$ 1,801.71
Tyrone	\$ 6,770.10
Woolsey	\$ 600.57
Total	\$ 126,119.98
Accrued Interest	\$ 158.02
(Administrative Other Costs)	\$ (3,673.05)
(Impact Fee Refunds)	\$ -
(Impact Fee Expenditures)	\$ (122,604.95)
Impact Fee Fund Balance Ending FY 2025	\$ -
Impact Fees Encumbered	\$ -

* The service area for the Fire Impact Fee does not include Peachtree City and Fayetteville.

Fayette County Impact Fee Financial Report FY2025	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$ -
Impact Fees Collected in FY 2025 By Jurisdiction	
Fayette County	\$ 116,947.60
Accrued Interest	\$ 138.39
(Administrative Other Costs)	\$ (3,405.91)
(Impact Fee Refunds)	\$ -
(Impact Fee Expenditures)	\$ (113,680.08)
Impact Fee Fund Balance Ending FY 2025	\$ -
Impact Fees Encumbered	\$ -

**TOWN OF BROOKS
STATE OF GEORGIA**

RESOLUTION NO. 2026-02

CIE & STWP TRANSMITTAL RESOLUTION

WHEREAS, the Town of Brooks has prepared an annual update to a Capital Improvements Element and Short-Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 26, 2026.

NOW, THEREFORE, RESOLVED that the Town of Brooks does hereby submit the annual update of the Capital Improvements Element and Short-Term Work Program covering the five-year period of FY 2026 to FY 2030 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

PASSED, APPROVED, AND ADOPTED by the Mayor and Brooks Town Council on this 26th day of January 2026.



BROOKS, GEORGIA

[Handwritten signature]
Scott Israel, Mayor Pro-Tempore

ATTEST:
[Handwritten signature]
Town Clerk

Brooks Impact Fee Financial Report FY2025	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$ -
Impact Fees Collected in FY 2025 By Jurisdiction	
Brooks	\$ 1,801.71
Accrued Interest	\$ 2.26
(Administrative Other Costs)	\$ (52.47)
(Impact Fee Refunds)	\$ -
(Impact Fee Expenditures)	\$ (1,751.50)
Impact Fee Fund Balance Ending FY 2025	\$ -
Impact Fees Encumbered	\$ -

TOWN OF TYRONE
STATE OF GEORGIA

RESOLUTION 2026-02

CIE & STWP TRANSMITTAL RESOLUTION

WHEREAS, the Town of Tyrone has prepared an annual update to a Capital Improvements Element and Short-Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 15, 2026.

BE IT THEREFORE RESOLVED that the Town of Tyrone does hereby submit the annual update of the Capital Improvements Element and Short-Term Work Program covering the five-year period of FY 2026 to FY 2030 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 15th day of January, 2026

BY:



Eric Dial
Mayor, Town of Tyrone

ATTEST:



Dee Baker
Town Clerk, Town of Tyrone

Tyrone Impact Fee Financial Report FY2025	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$ -
Impact Fees Collected in FY 2025 By Jurisdiction	
Tyrone	\$ 6,770.10
Accrued Interest	\$ 16.62
(Administrative Other Costs)	\$ (197.18)
(Impact Fee Refunds)	\$ -
(Impact Fee Expenditures)	\$ (6,589.54)
Impact Fee Fund Balance Ending FY 2025	\$ -
Impact Fees Encumbered	\$ -

TOWN OF WOOLSEY
FAYETTE COUNTY, GA

RESOLUTION 2026-01

CIE & STWP TRANSMITTAL RESOLUTION

WHEREAS, the Town of Woolsey has prepared an annual update to a Capital Improvements Element and Short-Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 12, 2026.

BE IT THEREFORE RESOLVED that the Town of Woolsey does hereby submit the annual update of the Capital Improvements Element and Short-Term Work Program covering the five-year period of FY 2026 to FY 2030 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 12th day of January, 2026

BY:



Ron Smith
Mayor, Town of Woosley

ATTEST:



Stacey Collins
Town Clerk

Woolsey Impact Fee Financial Report FY2025	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$ -
Impact Fees Collected in FY 2025 By Jurisdiction	
Woolsey	\$ 600.57
Accrued Interest	\$ 0.75
(Administrative Other Costs)	\$ (17.49)
(Impact Fee Refunds)	\$ -
(Impact Fee Expenditures)	\$ (583.83)
Impact Fee Fund Balance Ending FY 2025	\$ -
Impact Fees Encumbered	\$ -

SCHEDULE OF IMPROVEMENTS-STWP ADDENDUM

FY2026 - FY2030

(1) Project Description	(2) Service Area	(3) Project Start Date	(4) Project Completion Date	(5) Estimated Project Cost	(6) Portion Chargeable to Impact Fees	(7) Sources of Funds (& Share)	(8) Responsible Party
Fire Training Center (In progress - 99% complete; expected completion date March 2026)	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2018	FY2026	\$1,120,000	22.65%; \$253,680	Impact Fees; Balance of project funded from Fire Tax	Fayette County
Fire Station 14: Sandy Creek Road at Flat Creek Trail	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2028	FY2030	\$1,613,773	100%	Impact Fees	Fayette County
Fire Station 15: Gingercake Road at Graves Road	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2028	FY2030	\$2,061,333	100%	Impact Fees	Fayette County
Rescue Truck (on order, expected July 2027)	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2024	FY2026	\$224,334	100%	Impact Fees	Fayette County
Brush Truck - COMPLETE - delivered FY2026	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2025	FY2026	\$57,011	100%	Impact Fees	Fayette County
Engine Pumpers (8 total; 4 purchased since 2018; 2 on order, expected Jan 2026)	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2018	FY2026	\$3,252,082	100%	Impact Fees	Fayette County

* Fayette County provides Fire Services for unincorporated Fayette County, Town of Brooks, Town of Tyrone and Town of Woolsey. The Service Area for the Fire Impact Fee does not include Peachtree City or City of Fayetteville.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Resolution 2026-09 to Transmit the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.) to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA).

Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County, in collaboration with Brooks, Tyrone, and Woolsey, has prepared the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), and the draft CIE Update, which constitutes a Comprehensive Plan amendment for updates to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.) The public hearing held earlier this evening was to present the report & update, and to receive citizens comments. Brooks, Tyrone, and Woolsey, Once the Resolution to Transmit is approved, the annual report & update will be transmitted to ARC for coordination of state and regional review.

Once we receive notification of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2025 Fire Services Impact Fee Report, including amendment to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan, the next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2026. These actions are required for each government to retain its Qualified Local Government status. We anticipate presenting the final approved report for adoption in May 2026.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2026-09 to Transmit the Fayette County 2025 Annual Report on Fire Services Impact Fees (FY2025), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2026-FY2030.) to Atlanta Regional Commission for review by Department of Community Affairs.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

TRANSMITTAL RESOLUTION 2026-__

WHEREAS Fayette County, Georgia has prepared an annual update to a Capital Improvements Element and Community Work Program; and

WHEREAS the annual update of the Capital Improvements Element and Community Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on February 26, 2026.

BE IT THEREFORE RESOLVED that Fayette County, Georgia does hereby submit the annual update of the Capital Improvements Element and Community Work Program covering the five-year period of FY 2026 to FY 2030 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 26th day of February 2026.

BY:

ATTEST:

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the Fourth Amendment to Reciprocal Lease Agreement between American Tower, L.P. and Fayette County, Georgia for the tower site at 431 Porter Road, Fayetteville, Georgia 30215-3058 for equipment modifications.

Background/History/Details:

On May 6, 2002, Fayette County BOC entered into a lease agreement with American Tower for space at this location with respect to the Public Safety Radio System. It is now necessary to update and relocate equipment to enhance its capabilities.

The lease for this site is a no-cost lease; this Fourth Amendment will not alter that part of the contract.

What action are you seeking from the Board of Commissioners?

Approval of the Fourth Amendment to Reciprocal Lease Agreement between American Tower, L.P. and Fayette County, Georgia for the tower site at 431 Porter Road, Fayetteville, Georgia 30215-3058 for equipment modifications.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Please provide Finance with a copy of the amendment when complete.

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

FOURTH AMENDMENT TO RECIPROCAL LEASE AGREEMENT

This Fourth Amendment (the “Fourth Amendment”) to that certain Reciprocal Lease Agreement dated May 6, 2002 by and between American Tower, L.P. and Fayette County, Georgia, as amended by that certain First Amendment to Reciprocal Lease Agreement dated November 5, 2009, as amended by that certain Second Amendment to Reciprocal Lease Agreement dated June 2, 2021, as amended by that certain Third Amendment to Reciprocal Lease Agreement dated December 6, 2022, (collectively, the “Agreement”) is made and entered into as of the latter signature date hereof, by and between American Towers LLC, a Delaware limited liability company, as successor-in-interest to the Agreement (the “Lessor”) and Fayette County, Georgia, a Georgia political subdivision acting by and through its Board of Commissioners (the “Lessee”) (collectively, the “Parties”).

RECITALS

WHEREAS, Lessor owns a certain communications tower on a certain parcel of land located at 431 Porter Road, Fayetteville, GA 30215-3058 more commonly known to Lessor as the RISING STAR GA, GA tower site (the “Property”); and

WHEREAS, Lessor and Lessee entered into the Agreement for the use of a certain portion of the Property; and

WHEREAS, Lessee desires to modify its equipment at the Property (“Modified Equipment”).

NOW THEREFORE, in consideration of the foregoing promises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

- 1) Lessor and Lessee agree and acknowledge that Lessee shall modify its equipment for a final installed configuration pursuant to Exhibit D-4.
- 2) Lessor and Lessee agree and acknowledge that Exhibit D-3 to the Agreement is hereby deleted in its entirety as of the date this Fourth Amendment is fully executed and shall be replaced with Exhibit D-4 attached hereto and incorporated by this reference. In the event of inconsistency or discrepancy between Exhibit D-4 and Lessee’s equipment information set forth in the Agreement, Exhibit D-4 shall control.
- 3) Notwithstanding anything to the contrary in the Agreement, the offer to Lessee expressed in this Fourth Amendment shall automatically become null and void with no further obligation by either party hereto if a structural analysis of the Property completed after the execution of this Fourth Amendment by Lessor but before the Commencement Date of the installation of Lessee’s Modified Equipment indicates that the Property is not suitable for Lessee’s Modified Equipment unless Lessor and

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

Lessee mutually agree that structural modifications or repairs shall be made to the Property on mutually agreeable terms.

- 4) The Parties agree that (i) a digital or electronic signature on this Fourth Amendment and/or (ii) a fully executed scanned or electronically reproduced copy or image of this Fourth Amendment shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence hereof notwithstanding the failure or inability to produce or tender an original, manually executed counterpart of this Fourth Amendment and without the requirement that the unavailability of such original, manually executed counterpart of this Fourth Amendment first be proven.
- 5) Capitalized terms contained herein, unless otherwise defined, are intended to have the same meaning and effect as that set forth in the Agreement.
- 6) All other terms and provisions of the Agreement remain in full force and effect.

[SIGNATURES APPEAR ON THE NEXT PAGE]

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

IN WITNESS WHEREOF, the Parties hereto have set their hands to this Fourth Amendment to that certain Reciprocal Lease Agreement as of the day and year written below:

LESSOR:

American Towers LLC, a Delaware limited liability company

LESSEE:

Fayette County, Georgia, a Georgia political subdivision acting by and through its Board of Commissioners

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

Exhibit D-4

Exhibit D-4						
Customer Name: FAYETTE COUNTY BOARD		ATC Asset Name: RISING STAR GA			ATC Asset #: 29320	
Customer Site Name: Porter Rd				Customer Site #: N/A		
GROUND SPACE REQUIREMENTS						
Total Lease Area Sq.Ft: 213.00	Primary Contiguous Lease Area	L: 14.00'	W: 12.00'	H: 12.00'	Sq.Ft: 168.00	
	Customer Building	14.00'	11.50'	12.00'	161.00	
	Outside Primary Lease Area	N/A	N/A	N/A	Sq.Ft: 45.00	
	Generator AREA	5.00'	9.00'	N/A	45.00	
BACKUP POWER REQUIREMENTS						
Generator: Stand Alone		Fuel Tank Size (gal): 500.0		Fuel Type: Diesel		Fuel Tank Setback (radius): N/A
UTILITY REQUIREMENTS						
Power Provided By: Utility Company Direct						
Telco/Interconnect: N/A						
TRANSMITTER & RECEIVER SPECIFICATIONS						
Type: N/A		Quantity: N/A		TX Power (watts): N/A		ERP Power (watts): N/A
EQUIPMENT SPECIFICATIONS						
Type	OMNI	OMNI	TTA	OMNI	OMNI	TTA
Manufacturer	RFS	RFI Antennas	dbSpectra	Sinclair	RFS	Motorola
Model #	1109-1	CC807-11-P	DS7TMA17C	SC49C-HWBLDF (D00-NUF)	458-4	DDF1002A
Dimensions HxWxD	123.6" x 2.8" x 2.8"	205" x 3" x 3"	10.8" x 6.5" x 4"	202.4" x 5" x 5"	148.8" x 2.8" x 2.8"	24" x 6" x 6"
Weight (lbs.)	17.0	49.0	10.0	68.0	21.0	30.0
Location	Tower	Tower	Tower	Tower	Tower	Tower
RAD Center AGL	298.0'	285.5'	255.0'	255.0'	252.0'	243.0'
Tip Height	303.2'	294.0'	255.5'	263.4'	258.2'	244.0'
Base Height	292.9'	277.0'	254.6'	246.6'	245.8'	242.0'
Mount Type	Stand-Off	Stand-Off	Side Arm	Stand-Off	Stand-Off	Stand-Off
Quantity	2	2	1	1	1	1
Azimuths/Dir. of Radiation	1	180	0	0	1	1
Quant. Per Azimuth/Sector	2	2	1	1	1	1
TX/RX Frequency Units	MHz	MHz	MHz	MHz	MHz	N/A
TX Frequency	700-850	806-824	0-0	0-0	700-850	N/A
RX Frequency	700-850	851-869	793-824	746-869	700-850	N/A
Using Unlicensed Frequencies?	No	No	No	No	No	No
Antenna Gain	8	N/A	N/A	11.5	8	20
Total # of Lines	2	N/A	2	1	1	N/A
Individual Line Configuration	Qty: 2 Type: Coax Diameter: 5/8" Coax Azimuth/Sector: 2	N/A	Qty: 1 Type: Coax Diameter: 0.41" (10.3 mm) LMR-400 Azimuth/Sector: 1 Qty: 1 Type: Coax Diameter: 1 5/8" Coax Azimuth/Sector: 1	Qty: 1 Type: Coax Diameter: 1 5/8" Coax Azimuth/Sector: 1	Qty: 1 Type: Coax Diameter: 5/8" Coax Azimuth/Sector: 1	N/A
Conduit Configuration	N/A	N/A	N/A	N/A	N/A	N/A

Type	ICE SHIELD	DISH-HP	ICE SHIELD	DISH-HP	N/A	N/A
Manufacturer	Generic	Andrew Microwaves	Sabre	Andrew Microwaves	N/A	N/A
Model #	6' Ice Shield	VHLP6-6W	6' - 8' Ice Shield (C30-085-102)	VHLP6-6W	N/A	N/A
Dimensions HxWxD	40" x 76" x 55"	6.36' x 6.36' x 2.81'	14" x 126" x 48"	6.36' x 6.36' x 2.81'	N/A	N/A
Weight (lbs.)	271.0	185.0	600.0	185.0	N/A	N/A
Location	Tower	Tower	Tower	Tower	N/A	N/A
RAD Center AGL	145.0'	140.0'	105.0'	100.0'	N/A	N/A
Tip Height	146.7'	143.2'	105.6'	103.2'	N/A	N/A
Base Height	143.3'	136.8'	104.4'	96.8'	N/A	N/A
Mount Type	Side Arm	Side Arm	Side Arm	Side Arm	N/A	N/A
Quantity	1	1	1	1	N/A	N/A
Azimuths/Dir. of Radiation	0	301.38	320	158.41	N/A	N/A
Quant. Per Azimuth/Sector	1	1	1	1	N/A	N/A
TX/RX Frequency Units	N/A	GHz	N/A	GHz	N/A	N/A
TX Frequency	N/A	5.925-7.125	N/A	5.925-7.125	N/A	N/A
RX Frequency	N/A	5.925-7.125	N/A	5.925-7.125	N/A	N/A
Using Unlicensed Frequencies?	No	No	No	No	N/A	N/A
Antenna Gain	N/A	35.7/ 36.9/ 37.7	N/A	35.7/ 36.9/ 37.7	N/A	N/A
Total # of Lines	N/A	N/A	N/A	N/A	N/A	N/A
Individual Line Configuration	N/A	N/A	N/A	N/A	N/A	N/A
Conduit Configuration	N/A	N/A	N/A	N/A	N/A	N/A

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Mid-Year Budget Adjustments to the fiscal year 2026 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.

Background/History/Details:

Staff is recommending mid-year adjustments to the fiscal year 2026 adopted budget.

The recommended mid-year adjustments include:

1. Adjustments for variances in actual acquisition cost versus budget cost estimates for Vehicles and Equipment.
2. Adjustments for variances in actual grant awards versus estimated grant amounts included in the adopted budget.
3. To close 2017 SPLOST projects that have been completed, to transfer any residual funds to projects contingency, and to use projects contingency funds to cover projects funding shortages.
4. To close Capital/CIP projects that have been completed, to transfer any residual funds to projects contingency, and to use projects contingency funds to cover projects funding shortages; to re-class to M&O projects expenditures that will not be capitalized.
5. Adjustments to M&O for variances between actual and budget amounts included in the adopted budget.
6. To close Water System projects that have been completed, to transfer any residual funds to fund balance unrestricted, and to use fund balance unrestricted to cover projects funding shortages.

Detail budget entries are shown on the attachment.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2026 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2026 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2026

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
GRANTS:							
A. The actual LMIG (FY 2026) grant received is more than the amount included in the original budget. Grant revenue received is \$1,096,550 and grant revenue included in the budget is \$970,000. Grant expenditure included in the budget total \$1,261,000. Recommend to increase the grant revenue budget line by \$126,550 to match the actual amount received and increase the expenditure budget line by \$164,516 to fulfill the minimum local match required of 30% - net effect is decrease to the General Fund fund balance.							
10040004	334311	LMG26	General Fund	Roads & Bridges Grants		126,550.00	126,550.00
10040220	521316	LMG26	Road Department	Technical Services	164,516.00		(164,516.00)
					164,516.00	126,550.00	(37,966.00)
B. The FY26 original budget for the Drug Court grant award is \$340,000. The actual grant award received is \$357,682, with a match of \$63,120 for a total of \$420,802. Recommend increasing the budget grant award amount by \$17,682 to match the actual grant award received. No increase to grant related expenditures needed. The budget already includes the minimum 15% local match required - increase to Drug Court fund balance.							
21920003	334219	DRUG	Drug Court	Grants		17,682.00	17,682.00
					-	17,682.00	17,682.00
SPLOST PROJECTS:							
A. Project 19SBI 223 Cedar Trail was completed. The project has \$17,361.01 residual funds. Recommend to close the project and to transfer the residual funds to the Stormwater Contingency account - total project budget \$211,000.62							
32240320	541210	19SBI	Stormwater	Other Improvements	(17,361.01)		17,361.01
32240599	579000	STORM	Stormwater Contingency	Contingency	17,361.01	-	(17,361.01)
					-	-	-
B. Project 17TAA Ebenezer Church Road has been completed. There are no residual funds. Recommend to close the project - total project budget \$726,399.12							

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2026 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2026

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
CAPITAL/CIP PROJECTS:							
A. The following projects have been completed. These projects have residual funds. Recommend to transfer the residual funds to the respective Projects Contingency lines and to close the projects.							
1. 263AH Portable Ventilator - total project budget \$6,874							
37230600	542520	263AH	EMS Projects	Safety Equipment	(0.62)		0.62
37510599	579000	EMS	EMS Projects Contingency	Contingency	0.62		(0.62)
					-	-	-
2. 243AG Guard 1 Supermax System-Jail - total project budget \$56,799							
37530326	542167	243AG	Jail Projects	Surveillance Equipment	(2,113.51)		2,113.51
37510599	579000		GF Projects Contingency	Contingency	2,113.51		(2,113.51)
					-	-	-
3. 205AA Public Health Building - total project budget \$15,839,301							
37550110	541320	205AA	Health Projects	Buildings & Structures	(111,847.26)		111,847.26
37510599	579000		GF Projects Contingency	Contingency	111,847.26		(111,847.26)
					-	-	-
4. 241AG HVAC Roof Top Unit Replace Justice Center - total project budget \$785,000							
37510565	541210	241AG	B&G Projects	Other Improvements	(108,523.00)		108,523.00
37510599	579000		GF Projects Contingency	Contingency	108,523.00		(108,523.00)
					-	-	-
5. 244AB 115 McDonough Road Entrance Gate - total project budget \$40,000							
37240100	541210	244AB	Public Works Projects	Other Improvements	(16,228.04)		16,228.04
37510599	579000		GF Projects Contingency	Contingency	16,228.04		(16,228.04)
					-	-	-
6. 251AK Public Defender Renovation - total project budget \$25,000							
37510565	542420	251AK	B&G Projects	Computer Equipment	(1,784.02)		1,784.02
37510565	541210	251AK	B&G Projects	Other Improvements	1,755.80		(1,755.80)
37510599	579000		GF Projects Contingency	Contingency	28.22		(28.22)
					(0.00)	-	0.00

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2026 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2026

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
B. Project 257AC Marshal Renovation has been completed. This project has a budget shortage of \$14,740. Recommend to transfer funds from GF Projects Contingency to cover the shortage and to close the project.							
1. 257AC Marshal Renovation - total project budget \$54,000							
37510599	579000		Projects Contingency	Contingency	(14,740.00)		14,740.00
37270483	541210	257AC	Marshal Projects	Other Improvements	14,740.00		(14,740.00)
					-	-	-
C. The following projects have been completed with no residual funds. Recommend to close the projects.							
1. Project 256AG Park Scoreboards Kiwanis & McCurry - total project budget \$28,290							
2. Project 251AN HR-Copier - total project budget \$8,555							
3. Project 253AG GBI Latent Workstation - total project budget \$44,600							
D. Solid Waste project 254AH Concrete Pad for Mulch Area is not needed anymore. No expenditures were incurred. Recommend for the total project budget of \$47,300 to be transferred back to fund 540 Solid Waste Fund and to close the project.							
54540500	541210	254AH	Solid Waste Projects	Other Improvements	(47,300.00)		47,300.00
54000001	390545	254AH	Solid Waste	Transfers from Other Funds		47,300.00	47,300.00
					(47,300.00)	47,300.00	94,600.00
M&O:							
A. The 911 Communications Projects Contingency account has a balance of \$845.28, product of past completed projects that were approved to be closed. Per new guidance from our Auditor's Firm, any new projects will be funded within the 911 Communications fund. No need for a Projects Contingency account. Recommending to transfer the balance of \$845.28 in the Projects Contingency account to the 911 Communications fund - net effect is an increase to the 911 Communications fund.							
21500001	390375		911 Communications Fund	Transfer from Other Funds		845.28	845.28
					-	845.28	845.28
B. The revenue budget includes \$217,927 for the amount to be reimbursed to Fayette County by the Griffin Judicial Circuit. This is the amount paid directly by Fayette County for salary/benefits/other expenses related to the GJC, less the county's allocation of the total circuit cost. After the FY 2026 budget was approved, shared expenses were adjusted to reflect the level of court room services provided. This adjusted the reimbursement owed to Fayette County to \$207,192. Recommend to decrease the revenue budget by \$10,735 to match the adjusted reimbursement amount of \$207,192 - decrease to GF fund balance.							
10020003	371004	GJC	General Fund	Contribution/Other Govt		(10,735.00)	(10,735.00)
					-	(10,735.00)	(10,735.00)

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2026 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2026

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
C. On May 8, 2025, the Board of Commissioners approved to award contract #2567-B to NGT Group LLC for a traffic signal @ QTS & Tyrone Road. Per an agreement, QTS will reimburse Fayette County for all costs related to the contract . Recommend to increase budget revenue and budget expenditures by \$160,934, the actual amount of the contract - zero net effect to GF fund balance.							
10000001	371100		General Fund	Contributed Capital - GF		160,934.00	160,934.00
10040220	521316		Road Department	Technical Services	160,934.00		(160,934.00)
					160,934.00	160,934.00	-
WATER SYSTEM:							
A. Project 25WSB Highway 74 Storage Tank is over budget by \$66,291. Recommend to transfer funds available in project 20WSA Crosstown Yard Piping to bring project 25WSB within budget.							
1. Project 20WSA Crosstown Yard Piping - total project budget \$285,136							
50740400	542540	20WSA	Water CIP	Water CIP Expense	(66,291.00)		66,291.00
2. Project 25WSB Highway 74 Storage Tank - total project budget \$125,739							
50740400	542540	25WSB	Water CIP	Water CIP Expense	66,291.00		(66,291.00)
					-	-	-

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Acknowledgment of Sheriff Barry H. Babb's decision to liquidate county property at auction.

Background/History/Details:

The Fayette County Sheriff's Office will be liquidating the following vehicles which were purchased with Equitable Sharing Funds by the Fayette County Sheriff's Office. These vehicles have outlived their usefulness and are inoperable as an emergency vehicle.

- 1992 Blue in color Ford Van bearing VIN# 1FTJE34H3NHB50832 Asset # 10586
- 2006 Gold in color Nissan Maxima bearing VIN# 1N4BA41E96C814829 Asset # 16651
- 2008 Silver in color Ford Explorer bearing VIN# 1FMEU63898UA16941 Asset# 21606
- 2009 Gold in color Chevrolet Tahoe bearing VIN# 1GNEC03029R227103 Asset# 23005

These items will be sold using the services of an auction company which was selected for this purpose. All proceeds from the sale of these vehicles must be returned to the originating Equitable Sharing Fund.

What action are you seeking from the Board of Commissioners?

Acknowledgment of Sheriff Barry H. Babb's decision to liquidate vehicles at auction.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Fayette County Fixed Asset Change Form

Originating: Fayette County Sheriff's Office
Date: January 22, 2026

Qty	Description	Manufacturer / Model	Serial / VIN	Inventory Tag #	Code: Acquisition Or Disposal	Current Unit Value Over \$50.00? (Y / N)	I.S. (Prep for Disposition only)	B&G Disposition Code
1	Blue in color 1992	Ford Van	VIN# 1FTJE34H3NHB50832	10586	DS	YES		

Acquisition Codes:

- AP – Purchase
- AD – Donation
- AC – Confiscated
- AO – Other acquisition*

Disposition Codes:

- DS – To surplus for auction, sale or trade
- DD – To B&GM for disposal: recycle, landfill or other
- DT – Transfer to _____
- DO – Other disposition*

B&G Disposition Codes:

- BS – Stored for auction or sale
- BD - Discarded
- BO – Other disposition*

*Comments: This vehicle was purchased with monies from the State Seizures Fund (21030390) and by the approval of Sheriff Barry H. Babb will be sold in auction (disposed of). I will contact you when these vehicles have been removed from the Sheriff's Office and can be removed from the Master Asset List and Insurance for the Sheriff's Office.

Authorizing Signature: 

WORK ORDER #	DATE STORED	LOCATION STORED

Fayette County Fixed Asset Change Form

Originating: Fayette County Sheriff's Office
Date: January 22, 2026

Qty	Description	Manufacturer / Model	Serial / VIN	Inventory Tag #	Code: Acquisition Or Disposal	Current Unit Value Over \$50.00? (Y/N)	I.S. (Prep for Disposition only)	B&G Disposition Code
1	Gold in color 2006	Nissan Maxima	VIN# 1N4BA41E96C814829	16651	DS	YES		
1	Silver in color 2008	Ford Explorer	VIN# 1FMEU63898UA16941	21606	DS	YES		
1	Gold in color 2009	Chevrolet Tahoe	VIN# 1GNEC03029R227103	23005	DS	YES		

Acquisition Codes:

- AP – Purchase
- AD – Donation
- AC – Confiscated
- AO – Other acquisition*

Disposition Codes:

- DS – To surplus for auction, sale or trade
- DD – To B&GM for disposal: recycle, landfill or other
- DT – Transfer to _____
- DO – Other disposition*

B&G Disposition Codes:

- BS – Stored for auction or sale
- BD - Discarded
- BO – Other disposition*

*Comments: These vehicles were purchased with monies from the Federal Seizures Fund (21230390) and by the approval of Sheriff Barry H. Babb will be sold in auction (disposed of). I will contact you when these vehicles have been removed from the Sheriff's Office and can be removed from the Master Asset List and Insurance for the Sheriff's Office.

Authorizing Signature: 

WORK ORDER #	DATE STORED	LOCATION STORED

BOARD OF COUNTY COMMISSIONERS

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

FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

**MINUTES**

February 12, 2026
 5:00 p.m.

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

OFFICIAL SESSION:**Call to Order**

Chairman Lee Hearn called the February 12, 2026 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Chairman Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION: None.

PUBLIC HEARING: None.

PUBLIC COMMENT:

Alice Jones of Fayetteville expressed here excitement and appreciation for pending road work along Highway 279. She noted that this was a heavily traveled thoroughfare that needed attention, specifically access lanes and road resurfacing. She asking the Board for their continued support and advocacy with Georgia Department of Transportation (GDOT) to help with additional road improvements on Highway 279. Mrs. Jones also asked for the Board support in opposing a pending QT gas station at the corner of Highway 138 and Highway 279, she asked the Board to send a letter to GDOT and the City of South Fulton relaying their concerns and opposition to the proposed QT gas station.

Larry Younginer of Fayetteville asked for Board support in working with GDOT and state officials to make improvements along Highway 279. He urged the Board to find real and permanent solutions that would provide access to the residents and travelers that utilize that corridor of the County. Mr. Younginer stated that traffic had increased over the years but Highway 279 remained a two-lane road and suggested expanding it to help alleviate traffic.

Kenneth Kincaid of Fayetteville expressed his concerns regarding the speed limit along Highway 279. He noted that there were several buses that traveled this roadway and urged the Board to consider decreasing the speed limit, which was currently 55 mph.

Commissioner Charles Rousseau stated in response to comments, that the City of South Fulton had recently held a meeting/hearing regarding the proposed QT gas station request and noted that it seemed as if it would likely go through. He stated that while understanding of the concerns of residents of Fayette this project was across jurisdiction lines and would be challenging for the Board to oppose. He reiterated concerns mentioned such as the need for signage and speed limit reduction which would help traffic flow on Highway 279. He commended recent road improvements put in place via the Public Works Department and noted that he would continue working with GDOT and state officials to address the traffic concerns along this corridor.

CONSENT AGENDA:

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

1. **Approval of the annual Budget Calendar for Fiscal Year 2027, which begins July 1, 2026 and ends June 30, 2027.**
2. **Approval of the Georgia County Internship Program Grant Agreement from Association of County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. to the Fayette County State Court for award of the General Georgia County Internship Program (GCIP) Grant in the amount of \$3,259.50 for one intern.**
3. **Approval of the January 22, 2026, Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

4. **Consideration of an Annexation Notification from the Town of Tyrone regarding a request to annex one (1) parcel, Parcel No. 0739 023, a total of 4.672 acres, located in Land Lot 148 of the 7th District, and fronting on Briarwood Road and Palmetto Road.**

Planning and Zoning Director Debbie Bell stated that this was a request to rezone Parcel No. 0739 023, a total of 4.672 acres, located in Land Lot 148 of the 7th District, and fronting on Briarwood Road and Palmetto Road to R-12, a single-family residential district under the Town of Tyrone's Zoning Ordinance. She stated that the current Fayette County zoning was A-R, Agricultural Residential and the County's Future Land Use Plan designation was low density residential. The proposed land use and zoning of R-12 under the Town of Tyrone was analogous to the County's R-20 zoning, with only minor differences. The proposed zoning does align with the County's Future Land Use Map and Comprehensive Plan. Ms. Bell stated that staff found no grounds to object to the proposed annexation request.

Vice Chairman Gibbons moved to approve Annexation Notification from the Town of Tyrone regarding a request to annex one (1) parcel, Parcel No. 0739 023, a total of 4.672 acres, located in Land Lot 148 of the 7th District, and fronting on Briarwood Road and Palmetto Road. Commissioner Oddo seconded.

Commissioner Rousseau asked County Attorney Dennis Davenport, assuming he had reviewed the annexation request, if the Town of Tyrone needed to hold a public hearing when considering annexations.

Mr. Davenport stated that he had not reviewed the request, specifically because he represented both jurisdictions, Fayette County and the Town of Tyrone. He stated as a general response to Commissioner Rousseau's question that annexations also included rezonings and rezonings do require public hearings.

Commissioner Rousseau asked if Fayette County should also hold a public hearing for consideration of this request. Mr. Davenport stated that the County would never have a public hearing when considering an annexation request. Per state law typically all that was required was a response outlining an objection or no objection.

Vice Chairman Gibbons moved to approve Annexation Notification from the Town of Tyrone regarding a request to annex one (1) parcel, Parcel No. 0739 023, a total of 4.672 acres, located in Land Lot 148 of the 7th District, and fronting on Briarwood Road and Palmetto Road. Commissioner Oddo seconded. The motion passed 4-0-1, with Commissioner Rousseau abstaining.

5. Consideration of Fayette County serving as the official project sponsor for the Town of Tyrone's application to the Atlanta Regional Commission (ARC) Transportation Improvement Program (TIP) 2026 solicitation for the Senoia Road Corridor Streetscape and Mobility LCI Implementation Project.

Public Works Director Phil Mallon stated that this request was seeking approval to allow Fayette County to serve as the official project sponsor for the Town of Tyrone's application to the Atlanta Regional Commission (ARC) Transportation Improvement Program (TIP) 2026 solicitation for the Senoia Road Corridor Streetscape and Mobility LCI Implementation Project.

Mr. Mallon noted that the Atlanta Regional Commission (ARC) opened its 2026 Transportation Improvement Program (TIP) solicitation for federal funding. Eligible applicants must either be Local Administering Project (LAP) certified or partner with a LAP-certified agency in order to apply and administer federal funds. The Town of Tyrone was currently pursuing LAP certification; however, their certification was not expected to be finalized prior to ARC's submittal deadlines. Because Fayette County was a fully LAP-certified agency, the Town of Tyrone requested that Fayette County act as the project sponsor for their TIP application. This action would not commit the County to any financial contribution. Mr. Mallon advised that once they received their LAP certification sponsorship would no longer be needed and Fayette County would be removed from the process.

Vice Chairman Gibbons moved to approve Fayette County serving as the official project sponsor for the Town of Tyrone's application to the Atlanta Regional Commission (ARC) Transportation Improvement Program (TIP) 2026 solicitation for the Senoia Road Corridor Streetscape and Mobility LCI Implementation Project. Commissioner Oddo seconded. The motion passed 5-0.

6. Request to establish a new 2017 SPLOST project for SR 279 and North Drive; reallocate \$20,000 from Project 17TAK to the new project number; and authorize staff to acquire all necessary easements for the SR 279 and North Drive Quick Response Project.

Mr. Mallon stated that this request was seeking Board approval to establish a new 2017 SPLOST project for SR 279 and North Drive; reallocate \$20,000 from Project 17TAK to the new project number; and authorize staff to acquire all necessary easements for the SR 279 and North Drive Quick Response Project. Mr. Mallon provided an aerial map of the area along SR 279 included in this request for the Board to review. He stated that traffic along this roadway had increased, highlighting that the road was constructed many years ago with minimal modernized road improvements since then. He noted that there had been both a public and political push for road improvements on SR 279. He acknowledged that GDOT was doing all they could on a district level to garner resources to make these improvements. He highlighted a few quick response improvements that have been completed over the past years to assist with traffic flow on SR 279. Mr. Mallon stated that GDOT was initiating another project at the intersection of SR 279 and North Drive to improve traffic operations and safety, which was outlined in this request. Mr. Mallon noted that this was a much bigger project beyond the quick response project funding thresholds. Under this effort, GDOT would construct the left-turn lane improvements, while Fayette County would complete the right-turn lane improvements as a coordinated component of the project. Mr. Mallon stated that utilizing \$20K from 17TAK SR 279 corridor improvement concept study, staff planned to acquire all right-of-way acquisitions associated with this project in order to facilitate moving forward with this Quick Response GDOT project. Additional funds would be required for Fayette County's portion of the construction phase.

Commissioner Rousseau moved to approve to establish a new 2017 SPLOST project for SR 279 and North Drive; reallocate \$20,000 from Project 17TAK to the new project number; and authorize staff to acquire all necessary easements for the SR 279 and North Drive Quick Response Project. Commissioner Oddo seconded.

Commissioner Rousseau asked if any additional funding would be needed outside of the initial \$20K request.

Mr. Mallon stated that the \$20K was the estimated cost for the right-of-way acquisition phase. Once a more detailed set of construction plans were developed a cost estimate would be comprised.

County Administration Steve Rapson stated that not slow down the project with the Board's blessing he would approve up to \$25K of in-house construction for the project.

Commissioner Oddo noted as a point of clarification that this was not a new project because it was listed as part of the SPLOST however it was unnamed.

Mr. Mallon stated that SPLOST funds were set aside to conduct additional studies in this segment of SR 279, this project would utilize some of those funds for construction. He noted that there would still be remaining funds for studies, which were originally set aside to serve as a local match or incentive for GDOT to create a project with, but it had not come to fruition yet.

Commissioner Oddo stated that he just wanted to assure the public that we were not misusing SPLOST funds.

Mr. Mallon stated that the SPLOST was worded in a way that included identifying and addressing safety and operational issues at roadways and intersections, this was a SPLOST permitted project.

Commissioner Rousseau moved to approve to establish a new 2017 SPLOST project for SR 279 and North Drive; reallocate \$20,000 from Project 17TAK to the new project number; and authorize staff to acquire all necessary easements for the SR 279 and North Drive Quick Response Project. Commissioner Oddo seconded. The motion passed 5-0.

7. Request to acquire all fee simple right-of-way and easements for the SR 279, SR 85, and Corinth Road Project GDOT PI 0017813 (R-8D).

Mr. Mallon stated that this item was requesting approval to begin the right-of-way acquisition process with pre-acquisition activities for the SR 279, SR 85, and Corinth Road Project. This would include project staking, title research, detailed cost estimates, utility coordination, database documentation, etcetera. Mr. Mallon noted that this was a big acquisition that would impact 35 parcels. He stated that 23 of these parcels would include fee simple right-of-way and the remaining would be easements. He noted that he was not aware of any total takes or impacts to homes. These would mostly be strip takes along SR 85 and SR 279.

Vice Chairman Gibbons moved to approve to acquire all fee simple right-of-way and easements for the SR 279, SR 85, and Corinth Road Project GDOT PI 0017813 (R-8D). Commissioner Oddo seconded. The motion passed 5-0.

8. Request to award Bid #26073-B, to ER Snell, Inc. for FY26 Resurfacing Project in the amount of \$3,893,213.21.

Roads Director Steve Hoffman stated that this request was seeking approval to award Bid #26073-B, to ER Snell, Inc. for FY26 Resurfacing Project in the amount of \$3,893,213.21.

Vice Chairman Gibbons moved to approve to award Bid #26073-B, to ER Snell, Inc. for FY26 Resurfacing Project in the amount of \$3,893,213.21. Commissioner Oddo seconded.

Commissioner Maxwell stated that during his review of this item he noticed that there had been some issues with this contractor in the past. Because this was a big project that included several roads, he wanted to ensure all the work would not be performed at the same time and suggested staff start the smaller portions of the project to determine concerns had been corrected.

Mr. Hoffman stated that they would not be performing all the work at the same time and would start on the road demolition first. He acknowledged that there had been some quality issues and issues with the project management firm handling the project in the past, which have since been resolved. Mr. Hoffman also added that he and/or members of his staff would be closely monitoring the project.

Commissioner Maxwell reiterated that he wanted to ensure the work was done right and completed in a timely manner.

Vice Chairman Gibbons moved to approve to award Bid #26073-B, to ER Snell, Inc. for FY26 Resurfacing Project in the amount of \$3,893,213.21. Commissioner Oddo seconded. The motion passed 5-0.

9. Request to award Contract #26093-S for Audio Visual Equipment for the new Multi-Use Recreation Facility to Sound Principles Pro Multi Media, Inc., in the amount of \$289,543.99.

Project Manager, Tim Symonds, stated that this request was to award Contract #26093-S for Audio Visual Equipment for the new Multi-Use Recreation Facility to Sound Principles Pro Multi Media, Inc., in the amount of \$289,543.99. Mr. Symonds noted that the new Multi-Use Recreation Facility was currently under construction. The project team worked with the Parks and Recreation staff and Sound Principles to develop the audio visual scope needed in the new facility which included: tv's to all community meeting rooms, activity rooms and sitting areas, large screen projector to community room, including sound system, microphones and in ceiling speakers, public announcement and sound system - controlled from the reception desk, tv's and sound system to weight room, speakers and announcement system to both large gyms, and video conferencing capability. He noted that once they received the quote from Sound Principles, he conducted a cost analysis to ensure pricing was consistent and comparable, specifically in relation to their previous project at Fayette County Health Facility.

Vice Chairman Gibbons moved to approve to award Contract #26093-S for Audio Visual Equipment for the new Multi-Use Recreation Facility to Sound Principles Pro Multi Media, Inc., in the amount of \$289,543.99. Commissioner Oddo seconded.

Commissioner Rousseau asked why this project had not been sent out for bid solicitation. He noted that this, in his opinion, was a sole sourced project and did not allow other vendors the opportunity to work with the County. Commissioner Rousseau stated that he had concerns regarding the methods used in selecting this vendor. While he acknowledged that the assumed reason for going with Sound Principles again was to maintain consistency in equipment and quality for audio visual equipment within county facilities. Doing this did not give other contractors the opportunity to do business with the County and at the least, submit a bid, which would have allowed for a comparative analysis to be performed to ensure costs were fair.

Purchasing Director Ted Burgess stated that Commissioner Rousseau's assumption was correct, a decision was made a couple of years ago when the Commissioner Chambers AV equipment was upgraded, to maintain the same vendor moving forward. This would be more efficient and ensure quality, compatibility, issues resolution, and warranties would be well managed.

Commissioner Rousseau stated that he did he did recall a comment regarding wanting to maintain consistency and quality for audio visual equipment moving forward, however, he did not recall a vote from the Board to do so.

Vice Chairman Gibbons moved to approve to award Contract #26093-S for Audio Visual Equipment for the new Multi-Use Recreation Facility to Sound Principles Pro Multi Media, Inc., in the amount of \$289,543.99. Commissioner Oddo seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

10. Request to approve Contract #1229-P; Change Order #6 for Mission Critical Partners for a not to exceed amount of \$274,988.

911 Director, Kayte Vogt, stated that this request was seeking Board approval for Contract #1229-P; Change Order #6 for Mission Critical Partners for a not to exceed amount of \$274,988. Ms. Vogt stated that Mission Critical Partners had been a vital part of our team, and their services were still required going forward. Throughout the project, the County continually relied on their insight and expertise to identify system issues, review vendor documentation, acceptance plans, and ultimately improve system

coverage. This interactive process helped to ensure the system functioned as required to help provide reliable communications for our public safety members and Fayette County citizens.

Vice Chairman Gibbons moved to approve Contract #1229-P; Change Order #6 for Mission Critical Partners for a not to exceed amount of \$274,988. Commissioner Oddo seconded.

Chairman Hearn asked if there was an estimate on when the project would be completed.

Ms. Vogt stated that they were conducting a relocation project and then moving into a tower installation project. Both projects helped improve communication coverage in their respective areas. Once completed testing will occur and tentative project sign off and completion.

Commissioner Rousseau asked if the issue of dead zones had been resolved in the northern part of the County.

Ms. Vogt stated that the tower installation project near Highway 138 and Commerce would address those issues.

Vice Chairman Gibbons moved to approve Contract #1229-P; Change Order #6 for Mission Critical Partners for a not to exceed amount of \$274,988. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

- A. Contract #2018-P: Public Works Engineer of Record; Task Order 43: 671 Kenwood Road; Change Order #1: Environment Support Services**
- B. Contract #2378-S: Water System Engineer of Record; Task Order 26-08: On-Call Water Modeling Services**
- C. Contract #2563-B: On-Call Annual Contract for Water Distribution and Stormwater Infrastructure; Task Order 27: On-Call Long Service with Bore**
- D. Contract #2572-S: Purate for Water Treatment; Change Order #1: Additional Purate**
- E. Contract #26077-A: Lake Horton Dam Flow Weir Repair**
- F. Gym Equipment for Multi-Use Recreation Building Acquisition Through Purchase Order**

Hot Projects

Mr. Rapson stated that he provided the Board with the Hot Topics report with updates to the Parks and Recreation Multi-Use Facility, Redwine Tunnel, Coastline Bridge Road improvements, the QTS Traffic Signal and guardrail project, Mark Lane culvert replacement project, Darren Drive Box Culverts, and Whitewater Creek Nature Area.

Trail Building Workday

Mr. Rapson advised that there would be a trail building party on February 28th from 9:00-noon. Volunteers from Georgia Power and citizens would gather to build the soft surface trails, and complete other beneficial work on the new pocket park.

Fayette County Retreat

Mr. Rapson advised that Fayette County Annual Retreat would be on Wednesday, May 13th at Trilith Live.

Madam President

Mr. Rapson extended a congratulations and announced that Fayette County Clerk Tameca Smith was recently elected as President of the Georgia Clerks Association.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were five items for Executive Session. Two items involving threatened litigation, one item involving real estate acquisition, January 11, 2026, Executive Session Minutes revision, and the review of the January 22, 2026 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Commissioner Rousseau extended his congratulations to Ms. Smith on her election as President of the Georgia Clerks Association. And congratulated the Fire Department on their upcoming recognition. He noted that Parks and Recreation Director was recently promoted to actress during her recent tv debut, in an interview regarding the New Multi-Use Facility. He concluded encouraging the community to participate in the Trail Building Workday on February 28th.

EXECUTIVE SESSION:

Two items involving threatened litigation, one item involving real estate acquisition, January 11, 2026 Executive Session Minutes revision, and the review of the January 26, 2026 Executive Session Minutes. Vice Chairman Gibbons moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:45 p.m. and returned to Official Session at 6:23 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 5-0.

Approval of the revised January 8, 2026 Executive Session Minutes: Commissioner Oddo moved to approve the revised January 8, 2026 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

Approval of January 22, 2026 Executive Session Minutes: Commissioner Oddo moved to approve January 22, 2026 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the February 12, 2026, Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The February 12, 2026 Board of Commissioners meeting adjourned at 6:23 p.m.

Marlena Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of February 2026. Attachments are available upon request at the County Clerk's Office.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve the Georgia Department of Transportation's Contract for Acquisition of Right-of-Way for the SR 85/SR279/Corinth Road project (GDOT PI 0017813) and Board acceptance of a grant to reimburse local right-of-way acquisition costs up to \$4,040,000.

Background/History/Details:

In 2021, the Board of Commissioner (BOC) accepted a grant award for the design (PE) phase of the SR 279/SR85/Corinth Road project. On April 23, 2024, the BOC authorized staff to seek additional federal aid for the right-of-way (ROW) phase through an ARC TIP solicitation. That grant was approved and the project is now ready to start the ROW phase.

The Contract is provided as backup for Board consideration and execution.

What action are you seeking from the Board of Commissioners?

Approval of the Georgia Department of Transportation's Contract for Acquisition of Right-of-Way for the SR 85/SR279/Corinth Road project (GDOT PI 0017813) and Board acceptance of a grant to reimburse local right-of-way acquisition costs up to \$4,040,000.

If this item requires funding, please describe:

The Contract requires a local match of \$1,010,000 for the grant, plus any additional costs that might be required outside the current ROW cost estimate of \$5,050,000. Local match funds are available from SPLOST R-8D.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

This project is GDOT PI 0017813, County 2017 SPLOST 17TAD, County 2004 SPLOST R-8D, and ARC # FA-279.

Revised 1/2026

**CONTRACT FOR ACQUISITION OF RIGHT-OF-WAY
STATE-AID OR FEDERAL-AID PROJECT
Reimbursable**

**PROJECT: N/A
LOCAL GOVERNMENT: FAYETTE
FEDERAL/STATE ROUTE: SR 85/SR 279
P.I. NO.: 0017813**

**STATE OF GEORGIA
FAYETTE COUNTY**

This Agreement made and entered into this ___ day of _____, 20___ by and between the **GEORGIA DEPARTMENT OF TRANSPORTATION** (hereinafter called the **DEPARTMENT**) and **FAYETTE COUNTY** (hereinafter called the **LOCAL GOVERNMENT**).

- CFDA # 20.205 Highway Plan and Construction Cluster**
- CFDA # 20.219 Recreation Trails Program**

WITNESSETH THAT:

WHEREAS, the **DEPARTMENT** and the **LOCAL GOVERNMENT** propose to let to construction the above indicated project located at **SR 85 @ 1 LOC; SR 279 @ 1 LOC & CORINTH ROAD @ 1 LOC**, with the cost of the right- of-way being distributed between the **LOCAL GOVERNMENT** and the **DEPARTMENT** as hereinafter specified; and

WHEREAS, rights of way lying on a designated state or federal route (on-system) are to be acquired in the **DEPARTMENT’S** name by the **LOCAL GOVERNMENT** when closed by deed; and

WHEREAS, rights of way lying on a designated state or federal route (on-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT’S** name and then transferred to the **DEPARTMENT** by quit claim deed after the condemnation is complete and after the **LOCAL GOVERNMENT** has full and final possession of the right-of-way; and

WHEREAS, rights of way lying on a non-designated state or federal route (off-system) are to be acquired in the **LOCAL GOVERNMENT’S** name by the **LOCAL GOVERNMENT** when closed by deed and remain in the **LOCAL GOVERNMENT’S** name; and

WHEREAS, rights of way lying on a non-designated state or federal route (off-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT’S** name and remain in the **LOCAL GOVERNMENT’S** name; and

WHEREAS, the **DEPARTMENT** is authorized to enter into this contract with the **LOCAL GOVERNMENT** by virtue of Section 32-2-2(a) of the Official Code of Georgia Annotated; and

WHEREAS, the **LOCAL GOVERNMENT** is authorized to enter into this contract by virtue of Sections 32-3-3(e), 32-4-41(6), 32-4-42, 32-4-61 and 32-5-25 of the Official Code of Georgia Annotated and by a certain resolution of the Board of Commissioners, adopted the ___ day of _____, 20____; and

WHEREAS, said rights of way are to be acquired by **LOCAL GOVERNMENT** in accordance with certain specified requirements of the Federal-Aid Highway Act of 1970, as amended, and regulations of the **DEPARTMENT** in order for the construction cost of said project to be eligible for State or Federal participation.

NOW, THEREFORE, in consideration of Ten (\$10.00) Dollars in hand paid to the **LOCAL GOVERNMENT**, the receipt of which is hereby acknowledged, and the mutual promises and covenants hereinafter set out, the **DEPARTMENT** and the **LOCAL GOVERNMENT** agree as follows:

ITEM I

The **PROJECT** Detailed ROW Cost Estimate as prepared by the **LOCAL GOVERNMENT** estimated that the **PROJECT** Right-of-Way cost is **Five Million Fifty Thousand DOLLARS and No CENTS (\$5,050,000.00)**. The maximum amount which the **DEPARTMENT** shall be obligated to reimburse the **LOCAL GOVERNMENT** for eligible reimbursable right-of-way costs is up to **Four Million Forty Thousand DOLLARS and No CENTS (\$4,040,000.00)**, which represents the Maximum Federal Participation of the costs of the **PROJECT** for eligible right-of-way costs. Reimbursable right-of-way costs include land and improvement costs and other costs as specified in 23 CFR 710.203(b). It is also agreed that the **LOCAL GOVERNMENT's** Participation/Match of the Federal Participation cost of the **PROJECT** is **One Million Ten Thousand DOLLARS and No CENTS (\$1,010,000.00)**.

The obligation of the **DEPARTMENT** to reimburse the **LOCAL GOVERNMENT** is expressly limited to the amount of funds remitted to the **DEPARTMENT** by the **FHWA**. In the event the funds made available to the **DEPARTMENT** by the **FHWA** are insufficient for the Project, the **DEPARTMENT's** reimbursement obligations shall not exceed the availability of such **FHWA** funds, and the **DEPARTMENT** shall have the right at its sole discretion to terminate this agreement immediately upon notice to the **LOCAL GOVERNMENT** without further obligation of the **DEPARTMENT**. If the total dollar amount of the reimbursable costs is more than the estimated Right-of-Way **PROJECT** cost set forth in the Detailed ROW Cost Estimate, the **DEPARTMENT** shall have no obligation for any actual reimbursable costs that exceed the maximum amount provided for herein.

Rights of way lying on a designated state or federal route (on-system) are to be acquired in the **DEPARTMENT'S** name by the **LOCAL GOVERNMENT** when closed by deed. Rights of way lying on a designated state or federal route (on-system) requiring condemnation are to be

condemned in the **LOCAL GOVERNMENT'S** name and then transferred to the **DEPARTMENT** by quit claim deed after the condemnation is complete and after the **LOCAL GOVERNMENT** has full and final possession of the right-of-way. Rights of way lying on a non-designated state or federal route (off-system) are to be acquired in the **LOCAL GOVERNMENT'S** name by the **LOCAL GOVERNMENT** when closed by deed and remain in the **LOCAL GOVERNMENT'S** name. Rights of way lying on a non-designated state or federal route (off-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT'S** name and remain in the **LOCAL GOVERNMENT'S** name.

Reimbursement of acquisition costs will be eligible after completion of the following: all land and improvement acquisition; completion of all property management; completion of all demolition; and, after all occupants have relocated off the project. Further, before any reimbursement of costs occurs, the **LOCAL GOVERNMENT** shall certify in writing to the **DEPARTMENT** that title to all parcels has been acquired and that all property management, all demolition and all relocation has been completed. Said certification will include a statement that "All parcels are vacant and immediately available for construction purposes".

Each valuation and damage expert utilized on this project must be selected from the **DEPARTMENT's** "Approved Appraiser List". The **DEPARTMENT** shall review and approve each selection prior to the **LOCAL GOVERNMENT** contracting with the appraiser. All appraisals will be submitted to the **DEPARTMENT** for review, for approval and to establish fair market value prior to negotiations.

The **LOCAL GOVERNMENT** is responsible for properly flagging, staking, and marking all required right-of-way and all required easement (temporary or permanent) surveyed boundary lines PRIOR to the appraiser inspecting and appraising the property and PRIOR to the on-site Negotiation Agent meeting with the property owner to review the required right-of-way and/or required easement(s).

Except as specified in **ITEM V** of this contract, all counter offers, administrative settlements and legal settlements authority above the fair market value must be reviewed and approved by the **DEPARTMENT** if the **LOCAL GOVERNMENT** desires that the **DEPARTMENT** participate in any increased settlement agreement above the fair market value. It is understood and agreed that the **DEPARTMENT** may participate in a court directed award above the fair market value subject to the availability of funds identified for the project. The **DEPARTMENT** will not be required to participate in any such award increase that is not supported by a court order. It is further agreed between the parties that the **DEPARTMENT** shall be the final arbiter of whether an increase in an award or expense will be reimbursable to the **LOCAL GOVERNMENT**.

ITEM II

The **LOCAL GOVERNMENT** shall ensure at the time of closing that the current, approved deed or easement document reflects the latest revised or current required right-of-way description and/or easement(s) description.

The **LOCAL GOVERNMENT** will be responsible for the preparation of deeds, legal descriptions, and plats. The **LOCAL GOVERNMENT** will provide its own legal counsel associated with acquiring properties by deed.

The **LOCAL GOVERNMENT**, or its designated representative, will prepare all Condemnation Petitions in the name of the **LOCAL GOVERNMENT** and will provide all legal counsel and/or litigation associated with acquiring properties through condemnation.

After receipt of the approved and accepted certification from the **LOCAL GOVERNMENT** to the **DEPARTMENT** and where after all acquired parcels on designated state or federal routes, whether by deed or by condemnation, have been executed, quitclaimed, transferred in name from the **LOCAL GOVERNMENT** and recorded in the name of the **DEPARTMENT**, the **DEPARTMENT** will reimburse the **LOCAL GOVERNMENT** pursuant to **ITEM III** herein.

ITEM III

Invoices for eligible reimbursable right-of-way costs in ITEM I will be paid to the **LOCAL GOVERNMENT** at eighty percent (80%). **The procedure for reimbursement is as follows:**

All files and reimbursement requests shall be directed to the District Local Government Right-of-Way Coordinator (**DLGC**) in the **Thomaston District Office**. All reimbursement matters shall first be reviewed at the District Level in accordance with current guidelines and policies. Reimbursement to **LOCAL GOVERNMENT** will be issued from the **General Office in Atlanta** following receipt of all approved documents and the accepted and approved **LOCAL GOVERNMENT ROW** certification.

One (1) electronic copy of the following items shall be included for each parcel and activity cost to be reimbursed:

- 1) **Reimbursement of eligible costs associated with properties acquired by deed or easement:**
 - a) **Recorded Deed or Easement;**
 - b) **Copy of the Approved Option;**
 - c) **Executed Closing Statement;**
 - d) **Copy of approved Review Appraisers Report (Form 532);**
 - e) **DETAILED COST ESTIMATE ONLY IF NFS; and**
 - f) **Approved Administrative Settlement Analysis (if applicable)**

- 2) **Reimbursement of eligible costs associated with properties acquired through condemnation:**
 - a) **Copy of the filed, recorded Condemnation Petition with identified docket number;**
 - b) **Copy of receipt for monies deposited into court;**

- c) **Copy of Quitclaim Deed from LOCAL GOVERNMENT to DEPARTMENT for on-system only; and**
- d) **Approved Settlement Authority Request (if applicable)**

3) Reimbursement of eligible property management costs:

- a) **Copy of verifiable and detailed invoice from the contractor and receipt for payment from the LOCAL GOVERNMENT and any fee contractors employed by the LOCAL GOVERNMENT for Property Management activities.**

4) Reimbursement of eligible relocation costs:

- a) **Copy of Relocation Payment Checks;**
- b) **Copy of Executed Relocation Claim Forms; and**
- c) **Copy of the Approval Authorization of Payment Amount**

5) Reimbursement for any other direct eligible cost(s) as specified in 23 CFR 710.203(b), but not specifically listed above, must include an invoice and any other supporting documentation as may be requested by the DEPARTMENT.

Any deviation from or change in the above-described procedure must be approved by the State Right-of-Way Administrator in the Atlanta General Office.

ITEM IV

The **LOCAL GOVERNMENT** will ensure that the demolition and removal in their entirety of all buildings, walls, fences, gates, underground storage tanks, other hazardous materials, signs, or any other improvements and structures of any nature or description, lying wholly or partially situated within the right-of-way and/or easement area, whether surface or subsurface shall be conducted in accordance with and pursuant to any and all pertinent state and federal laws, regulations and procedures, including but not limited to all current laws, regulations and procedures of the U.S. Environmental Protection Agency and the Georgia Environmental Protection Division.

Any demolition and removal shall be in accordance with procedures approved by the **DEPARTMENT**. The **DEPARTMENT** will not remove any improvements or structures such as clearing and grubbing items.

Any and all contaminated properties will require the **DEPARTMENT's** approval before being acquired by the **LOCAL GOVERNMENT**.

ITEM V

The **LOCAL GOVERNMENT** has the authority to approve a counteroffer or an administrative settlement up to \$20,000 or 10% above the approved Fair Market Value. On legal settlement authority for condemned parcels, the **LOCAL GOVERNMENT** authority level is 20% or \$20,000, whichever is greater. All other counter offers, administrative settlements and legal settlement authority on condemned parcels must be reviewed and approved by the **DEPARTMENT**, if the **DEPARTMENT** is to participate in any increased cost. Any modification whatsoever or any special provision included as an agreement to any document must first be approved and appropriately accepted by the **DEPARTMENT**. The DLGC in the **Thomaston District Office** will function as the **LOCAL GOVERNMENT** liaison with the **DEPARTMENT**. All counter offers, check requests, and any matters to be considered for agreement will be submitted through the DLGC.

Once a determination has been made by the General Office, the DLGC will notify the **LOCAL GOVERNMENT**, in writing, of either approval or rejection of the submitted proposal.

The **DEPARTMENT** will not participate in any portion of a counter proposal which is closed prior to **DEPARTMENT** review, approval and acceptance.

ITEM VI

During the life of this contract and prior to completion of the construction work and final acceptance of the project by the **DEPARTMENT**, the **LOCAL GOVERNMENT** agrees not to use convict labor in any way on the project.

ITEM VII

Once the environmental clearance is obtained and the right-of way-plans are approved, but prior to right-of-way authorization, the **LOCAL GOVERNMENT** can begin pre-acquisition activities. However, acquisition activities including the making of offers cannot be made until the following has been completed: an acceptable project cost estimate has been submitted, reviewed and approved; right-of-way funds have been authorized in accordance with 23 CFR Part 710; and, the **DEPARTMENT** has issued a Notice to Proceed to the **LOCAL GOVERNMENT** for any eligible, reimbursable right-of-way acquisition activities.

The **LOCAL GOVERNMENT** agrees to defend itself from and against any and all suits, if any should arise, involving property titles and/or contaminated properties associated with the acquisition of Rights of Way by deed or condemnation.

ITEM VIII

The **LOCAL GOVERNMENT** will, as required by law, proceed within fifteen (15) days after being notified by the **DEPARTMENT** to acquire the rights of way for said project free of all encumbrances by gift, deed, easements or condemnation in accordance with the approved plans.

ITEM IX

The **LOCAL GOVERNMENT** will, in the right-of-way acquisition procedure, observe and comply with Title 49 Code of Federal Regulations Part 24; Title 23 Code of Federal Regulations Part 710; Georgia Laws 1972, p. 931, as amended; and, in accordance with the requirements as outlined in the Relocation Assistance Manual prepared by the **DEPARTMENT**. The **LOCAL GOVERNMENT** will be responsible for making payments to owners as required under this procedure for any incidental expenses for the transfer of real property for rights of way purposes and any other moving and relocation expenses as required under the law and determined to be proper by the **DEPARTMENT**. Appeals of relocation assistance benefits will be submitted to the **DEPARTMENT** for review. Response to an appeal will be the responsibility of the **DEPARTMENT**. The **LOCAL GOVERNMENT** will, in their acquisition of the right-of-way, comply with the procedures set forth in Attachment No. 1 - Memorandum of Instructions, attached hereto. During the performance of this contract, the **LOCAL GOVERNMENT** will also comply with the Regulations of the U. S. Department of Transportation relative to nondiscrimination in State Aid or Federally-assisted programs of said Department in accordance with the stipulations as indicated under APPENDIX A and APPENDIX E of Attachment No. 2, attached hereto.

The **LOCAL GOVERNMENT** shall also comply with all provisions as set forth in Attachment No. 2 - The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances, DOT Order No. 1050.2A, attached hereto, inclusive of APPENDIX A, APPENDIX B, APPENDIX C, APPENDIX D, and APPENDIX E of Attachment No. 2.

ITEM X

Where determined to be desirable, **LOCAL GOVERNMENT** will provide rodent control measures as required by the U. S. Department of Transportation prior to the demolition or removal of improvements located within the right-of-way of the project. The measures employed shall be in accordance with procedures approved by state and local laws and regulations governing rodent control.

ITEM XI

This Agreement sets forth the entire understanding between the Parties relating to the subject contained herein and supersedes all prior oral and written understandings, arrangements and agreements between the parties relating thereto. It is understood that no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless evidenced by an amendment to this Agreement signed by both the **DEPARTMENT** and the **LOCAL GOVERNMENT**.

ITEM XII

The **LOCAL GOVERNMENT** shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs associated with this Agreement and used in support of its activities and shall make such material available at all reasonable times during the period of this Agreement, and for three years from the date of final payment under this Agreement, for inspection by the GDOT, and any reviewing agencies, and copies thereof shall be furnished upon request.

The **LOCAL GOVERNMENT** shall comply with federal administrative procedures in accordance with the requirements of the Uniform Grant Guidance, 2 CFR Part 200, as well as related federal and state regulations and instructions. The **LOCAL GOVERNMENT** will ensure that appropriate corrective action is taken within three months after receipt of any audit for all instances of noncompliance.

ITEM XIII

1. **TIME IS OF THE ESSENCE IN THIS CONTRACT.**
2. **TERM OF CONTRACT. UNLESS OTHERWISE AMENDED BY THE MUTUAL WRITTEN AGREEMENT OF THE PARTIES HERETO, THIS CONTRACT WILL EXPIRE NO LATER December 31, 2029.**
3. This Agreement is made and entered into in Fulton County, Georgia, and shall be governed and construed under the laws of the State of Georgia.
4. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
5. This Agreement shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, successors and assigns.
6. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.
7. The Preamble, Recitals, Exhibits, Addendums and Appendices hereto are a part of this Agreement and are incorporated herein by reference.

{REMAINDER OF PAGE LEFT INTENTIONALLY BLANK}

IN WITNESS WHEREOF, this instrument has been and is executed on behalf of the **DEPARTMENT** by the Commissioner of the **DEPARTMENT** and on behalf of **LOCAL GOVERNMENT** being duly authorized to do so by the Board of Commissioners.

Executed on Behalf of the
**GEORGIA DEPARTMENT OF
TRANSPORTATION**

Executed on Behalf of
FAYETTE COUNTY

By:

By:

COMMISSIONER

CHAIRMAN

This Contract was approved by the
LOCAL GOVERNMENT County Board
of Commissioners meeting held
this the ____ day of _____, 20__.

ATTEST:

ATTEST:

CLERK (SEAL)

TREASURER

WITNESS

FEIN

RESOLUTION OF THE LOCAL GOVERNMENT

**STATE OF GEORGIA
FAYETTE COUNTY LOCAL GOVERNMENT**

BE IT RESOLVED by the **LOCAL GOVERNMENT** Board of Commissioners and it is hereby resolved that the foregoing attached Agreement, relative to **P.I. 0017813**, be entered into by the **LOCAL GOVERNMENT** Board of Commissioners, and that the Chairman and Clerk of Board of Commissioners, be and they are, thereby authorized and directed to execute the same for and on behalf of said Board of Commissioners.

PASSED AND ADOPTED, this ____ day of _____, 20 ____.

ATTEST:

CLERK

BY: _____
WITNESS

**STATE OF GEORGIA
FAYETTE COUNTY**

I, _____ as Clerk of the **LOCAL GOVERNMENT** Board of Commissioners do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office and was passed by the **LOCAL GOVERNMENT** Board of Commissioners.

Witness by hand and official signature, this the ____ day of _____, 20 ____.

BY: _____
CLERK (SEAL)

ATTACHMENT NO. 1**MEMORANDUM OF INSTRUCTIONS**

These instructions are to set forth the procedures necessary for the Political Subdivisions of the State of Georgia to follow when acquiring right-of-way on highway projects where it is proposed to acquire or construct said project with Federal participation for on system projects. On systems projects are those on designated state or federal routes. The Political Subdivision shall make every effort to acquire expeditiously all real property when authorized to proceed.

The Political Subdivision may, when they consider it appropriate, attempt to secure the right-of-way by donation. To assure the property owner is fully informed of his rights, the request for donation must be made in writing and also set forth that they are entitled to full just compensation, if they so desire. A letter prepared by the Department will be made available to use as a guide. If a property owner requests payment of just compensation, the provisions of paragraph one (1) must be followed.

Nothing herein shall be construed to prevent a person whose real property is being acquired from making a gift or donation of such property, or any part thereof, or of any compensation paid therefore, after such person has been fully informed of his right to receive just compensation for the acquisition of his property.

1. At the initiation of negotiations each owner must be fully informed of his right to receive just compensation for the acquisition of his property. In order to assure just compensation is being offered, the following steps must be taken:
 - A) A General Certified Appraiser and other valuation or damage experts, who is on the Department's approved list, must utilize an appropriate valuation method (appraisal/data book/cost estimate) as determined by the Department.
 - B) The appraiser must give the owner or his designated representative an opportunity to accompany him during his inspection of the property. A statement is to be in the report that this opportunity was provided.
 - C) The report must be adequately documented to support the conclusion of the appraiser and shall be prepared in accordance with the guidelines set forth by the Department.
 - D) The Department must review the appraisal and approve in writing the estimated amount of just compensation to be offered to the property owner.
 - E) The offer must be made in writing for the full amount of the aforesaid estimate of just compensation. Where appropriate, the written offer must state separately the amount for the real property being acquired and the amount attributable to damages to the remaining property.
2. No person occupying real property shall be required to move from his home, farm, or business without at least three (3) months written notice or two (2) months written notice from the time of the closing or condemnation.
3. The Department will furnish copies of letters, settlement and disbursements statements and such other forms, as it may deem necessary or desirable.
4. Copies of all letters, forms, deeds and status reports used in the acquisition of Rights of Way for this project must be forwarded to the Department upon request, for future reference.
5. The LOCAL GOVERNMENT will be responsible for determining benefits and preparing relocation assistance packages. Packages must be submitted to the Department for review and approval prior to offers of benefits being made.

6. Any consultant contracted for negotiation services for the acquisition of right-of-way for the LOCAL GOVERNMENT must hold either a Real Estate License and be affiliated with a broker, or hold a Real Estate Broker's License in accordance with OCGA Title 43 Chapter 40 unless identified as an exception under Title 43, Chapter 40 of the Official Code of Georgia Annotated. Said consultant must attend any present and all future mandatory training classes required by the DEPARTMENT.

APPENDIX “A”

- A. **COMPLIANCE WITH REGULATIONS:** The contractor shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Codes of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the regulations), which are herein incorporated by reference and made a part of this contract.
- B. **NONDISCRIMINATION:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the regulations, including employment practices when the contract covers a program set forth in APPENDIX “B” of the regulations.
- C. **SOLICITATIONS FOR SUB-CONTRACTS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT:** In all solicitation either by competitive bidding or negotiation made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the regulations relative to nondiscrimination on the grounds or race, color or national origin.
- D. **INFORMATION AND REPORTS:** The contractor shall provide all information and reports required by the regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Department of Transportation, or the Federal Highway Administrative as appropriate, and shall set forth what efforts it has made to obtain the information.
- E. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
1. Withholding of payments to the contractor or under the contract until the contractor complies, and/or
 2. Cancellations, termination or suspension of the contract, in whole or in part.
- F. **INCORPORATION OF PROVISIONS:** The contractor shall include the provisions of Paragraphs “A” through “F” in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the State Department of Transportation or Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the State Department of Transportation to enter into such a result of such direction, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

ATTACHMENT NO. 2

**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination
Assurances
DOT Order No. 1050.2A**

The Georgia Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding *source*:

"The Georgia Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, *use*, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligated the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

- 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Georgia Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Georgia Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by Georgia Department of Transportation. You must keep records, reports, and submit the material for review upon request to the Georgia Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Georgia Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Program. This ASSURANCE is binding on Georgia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Georgia Department of Transportation
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED 07/15/20

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration) as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct

as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the GDOT will accept title to the lands and maintain the project constructed thereon in accordance with and in compliance with **Title 23 U.S. Code § 107**, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the U.S Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the GDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto GDOT and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the GDOT, its successors and assigns.

The GDOT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that GDOT will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non- discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.

APPENDIX C**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the GDOT pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, GDOT will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the GDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the GDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER
THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by GDOT pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, GDOT will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, GDOT will there upon revert to and vest in and become the absolute property of GDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contract No. and Name: PI NUMBER: 0017813
SR 85 @ 1 LOC; SR 279 @ 1 LOC & CORINTH ROAD @ 1 LOC
Name of Contracting Entity: Fayette County

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation at the time the subcontractor(s) is retained to perform such service.

EEV / E-Verify™ User Identification Number

Date of Authorization

BY: Authorized Officer or Agent
(Name of Person or Entity)

Date

Title of Authorized Officer or Agent

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

____ DAY OF _____, 20

[NOTARY SEAL]

Notary Public

My Commission Expires: _____

* or any subsequent replacement operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603

**CERTIFICATION OF COMPLIANCE WITH
ANNUAL IMMIGRATION REPORTING REQUIREMENTS/
NO SANCTUARY POLICY/FEDERAL LAW ENFORCEMENT COOPERATION**

By executing this document, the undersigned duly authorized representative of the Local Governing Body, certifies that the Local Governing Authority:

- 1) has filed a compliant Annual Immigration Compliance Report with the Georgia Department of Audits & Accounts (“GDA&A”) for the preceding calendar year required by O.C.G.A. § 50-36-4(b), or has been issued a written exemption from GDA&A from doing so;
- 2) has not enacted a “Sanctuary Policy” in violation of O.C.G.A. § 36-80-23(b); and,
- 3) is in compliance with O.C.G.A. §§ 35-1-17 *et seq.* regarding its obligation to cooperate with federal immigration enforcement authorities to deter the presence of criminal illegal aliens.

As an ongoing condition to receiving funding from the Georgia Department of Transportation, the Local Governing Body shall continue to remain fully compliant with O.C.G.A. §§ 50-36-4, 36-80-23 and 35-1-17 *et seq.* for the duration of time the subject agreement is in effect.

Signature of Authorized Officer or Agent

Printed Name of Authorized Officer or Agent

Title of Authorized Officer or Agent

Date

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Contract #1981-Q, Task Order 8 for a Not to Exceed (NTE) amount of \$364,230 to Practical Design Partners (PDP) for Right of Way (ROW) acquisition services and related activities for the SR 85/ SR 279/ Corinth Road Project (GDOT PI 0017813).

Background/History/Details:

On March 24, 2022, the Board of Commissioners (BOC) awarded Contract #1981-Q for preliminary engineering and design services to Practical Design Partners, LLC (PDP) for the SR 85/ SR 279/ Corinth Road Project. The Contract is a "multi-phase, project-specific" type and the March 2022 award included approval of the first Task Order (TO#1). Since then, the project team has developed an approved Concept Report, Preliminary Plans, Environmental Reports, and Right of Way Plans.

This task order is for the ROW phase of the project and includes: Project Management, pre-acquisition services, title work and appraisals, negotiations, record keeping, and parcel closings. The schedule for completion of Task Order 8 is 21 months. Deliverables include a Right of Way Checklist, Offer Packages, Closing Documents, Parcel Negotiation Files, and ROW Certification Package for 35 parcels.

Completion of Task Order 8 is a required step to prepare the project for construction letting.

What action are you seeking from the Board of Commissioners?

Approval of Contract #1981-Q, Task Order 8 for a Not to Exceed (NTE) amount of \$364,230 to Practical Design Partners (PDP) for Right of Way (ROW) acquisition services and related activities for the SR 85/ SR 279/ Corinth Road Project (GDOT PI 0017813).

If this item requires funding, please describe:

Funding for TO #8 is available from the 2004 SPLOST Project R-8D. Portions of the costs are eligible for federal aid reimbursement, per the Contract for Acquisition of Right-of-Way with GDOT.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Note that the first seven (7) task orders are in 2017 SPLOST 17TAD. The invoices will need to note that this task order is under a different PO and different project / fund. This project is GDOT PI 0017813, County 2017 SPLOST 17TAD, County 2004 SPLOST R-8D, and ARC # FA-279.



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess *TLB*
 From: Sherry White *SW*
 Date: February 11, 2026
 For BOC Meeting: February 26, 2026
**Subject: Contract #1981-Q SR 279 Realignment - Engineering & Design
 Task Order 8: Right of Way Acquisition & Support Services**

On March 24, 2022, The Board of Commissioners awarded Contract #1981-Q to Practical Design Partners (PDP) for design and engineering services related to realignment of SR 279 at Corinth Road. In conformance with requirements of the federal Surface Transportation Block Grant and the Georgia Department of Transportation, the contract is similar to an engineer-of-record contract, in that all work and funds are awarded as Task Orders.

To date, PDP has been awarded seven task orders totaling \$1,870,378.63. Task Order 8 will add \$364,230.00, bringing the total awarded to \$2,234,608.63. Up to 80% of costs are eligible for federal aid reimbursement, pending the Board's acceptance of GDOT Contract PI 0017813.

Under Task Order #8, PDP will provide ROW Acquisition & Support Services as stated in the attached task order (Attachment 1). County staff and PDP met on February 10, 2026, to negotiate Task Order 8. Following review and discussions with PDP, Fayette County has determined the proposed fee to be acceptable and hereby requests approval of Task Order #8 as submitted.

Specifics of the proposed Task Order are as follows:

Contract Name	#1981-Q: SR 279 Realignment - E&D	
Task Order	#8: ROW Acquisition & Support Services	
Contractor	Practical Design Partners, LLC	
Not-to-Exceed Amount	\$364,230.00 (20% SPLOST, 80% GDOT reimbursed)	
Project	R-8D East Fayetteville Bypass	
Budget:		
Fund	321 – 2004 SPLOST	GDOT Grant PI 0017813
Org Code	32140220 Road SPLOST	TBD
Object	541210 Other Imp.	541210 Other Imp.
Available	\$2,395,300.00 As of 2/11/26	\$4,040,000.00 Upon BOC acceptance



TASK ORDER

MASTER CONTRACT ID #: 1981-Q
TASK ORDER #: 8

Total Task Order Amount: \$ 364,230.00

Task Order Funding Project Information:

PI #: 0017813
County: Fayette
TPRO Description: SR 279 Realignment

The above project task order is made and entered into as of _____, (hereinafter referred to as "Task Order Effective Date") by and between the Georgia Department of Transportation (GDOT), through its Office listed in Item # 1. (responsibilities and obligations pursuant to this task order will be performed by the individuals identified in Item # 1 of this task order), hereinafter referred to as the Department;

AND

PRACTICAL DESIGN PARTNERS, LLC

hereinafter referred to as the Consultant.

This task order is made a part of the Professional Services Agreement Master Contract referenced above between the Department and the Consultant.

I. DEPARTMENT AND CONSULTANT CONTACT INFORMATION:

The Department's mailing address and telephone number for correspondence, reports, and other matters relative to this contract, except as otherwise indicated, are:

Department's Project Manager:

Fayette County Public Works
Attn: Phil Mallon
115 McDonough Road
Fayetteville, GA 30214
Telephone #: (770) 320-6009
E-Mail: pmallon@fayettecountyga.gov

Fayette County Public Works

County's Contract Specialist:

Fayette County Purchasing
Attn: Sherry White
140 Stonewall Avenue West, Suite 204
Fayetteville, GA 30214

Telephone #: 770-305-5314
E-Mail: swhite@fayettecountyga.gov

Consultant's Project Manager:

Practical Design Partners, LLC
Attn: Ian Maxfield
PO Box 3111
Tucker, GA 30085
Telephone #: 404-358-2801
E-Mail: imaxfield@practicaldesignpartners.com

Consultant's Project Manager:

PLEASE ADHERE TO THE FORMATTING STYLE BELOW TO PROVIDE REQUIRED INFORMATION; ACRONYMS ARE TO BE DEFINED WHEN UTILIZED:

II. TASK ORDER DESCRIPTION:

The purpose of this task order is to provide Right-of-Way Acquisition and associated Support Services. All components of the ROW acquisition process will be performed by individuals who are pre-qualified ROW consultants with the Georgia Department of Transportation (GDOT). Additionally, all applicable local, state, and federal rules and regulations pertaining to ROW acquisition will be adhered to throughout this process.

III. SCOPE OF SERVICES:

The Consultant shall provide:

- A. Project Management Services:
 - a) PM to attend status meetings with County and PDP PM as required.
 - b) PM to oversee ROW acquisition agents and necessary subconsultants throughout project.
 - c) PM to provide bi-weekly status report to PDP PM detailing status of ROW acquisition throughout the lifecycle of the project.

- B. Pre-Acquisition Services
 - a) Meet with consultant attorney to deliver set of ROW plans for review and set due dates preliminary title certificates.
 - b) Contact GDOT District Local Government Coordinator (DLGC) to request Review Appraiser to schedule and complete project inspection. ROW PM to accompany Review Appraiser on field review if required.
 - c) Assign and monitor completion of all necessary appraisal and/or specialty report work including review phase and release of appraisals. ROW PM to supply completed preliminary title certificates to appraiser for inclusion in reports.
 - d) Schedule and conduct ROW Property Owner's Meeting (if required).
 - e) Supply necessary data for entry into Department's TPro system (Name, addresses, parcel numbers, identification of relocation parcels, appraisal data, and any relevant comments).
 - f) Necessary property management activities (assemble Property Management Inventory List) through project site visit.
 - g) Submit any necessary plan revision requests.
 - h) Monitor the project until all assign pre-acquisition duties have been completed.
 - i) Board of Commissioner approval needed.

- C. ROW Negotiation Services: *Proceeds AFTER funding authorization and NTP for ROW phase*
 - a) ROW Agent to send introduction letter to property owner with project plans and noting desire to meet to discuss County project and parcel impacts.
 - b) ROW Agent to prepare offer package with forms to include, but not limited to:
 - a) Written Offer Letter
 - b) Summary Statement of Just & Adequate Compensation with Market Data Information
 - c) Option for Right of Way with plats
 - d) ROW Acknowledgement Form with GDOT Right of Way Brochure
 - e) Availability of Incidental Payments Form/W9
 - f) Scaled ROW plan sheets, cross sections, driveway profiles, and other construction information as requested by property owner. Plan sheets to be stamped PRELIMINARY.
 - g) Any other forms deemed necessary by the County or subconsultant attorney
 - c) ROW Agent to schedule in-person offer meeting with impacted parcel owners. If property owner requests offer package be mailed, then ROW Agent will mail one hard copy certified USPS and one (1) electronic copy via email.
 - a) ROW Agent will make a minimum of 3 direct contacts with the property owner. Negotiations will be kept to a 45-day maximum.
 - b) ROW Agent to present offer of just and adequate compensation on behalf of County to property owner. Completed forms noted earlier in subpart b of section C will be a part of offer package.

- c) ROW PM or Agent will not provide owners with appraisal reports.
- d) ROW Agent will document all contacts with property owner in a complete & detailed negotiation record.
- e) Options for ROW will be approved by County officials. Any counteroffers will be written in a detailed justification analysis and presented to the County for final approval/rejection (if required).
- f) ROW Agent will assist the County or subconsultant attorney in preparation of parcel closing package after the Option for ROW is approved. Forms will include, but are not limited to parcel legal descriptions, parcel plats, and settlement & disbursement statement.
- g) ROW Agent to assist the project attorney in preparing/securing executed Quit Claim Deeds or releases, when necessary, to give the Department clear fee simple title or any other such interest in the property as the Department may require.
- h) ROW Agent to complete necessary final property management forms once title and possession occurs.
- i) ROW Agent will submit completed parcel negotiation file to County once executed/recorded closing documents have been received. (Electronic and/or hardy copy)
- j) If negotiated settlement cannot be reached the Consultant's Acquisition Manager must make a last contact in an attempt to reach a negotiated settlement. If the last contact is unsuccessful then ROW PM will submit request to send 10-day letter to property owner. Once approval is received then ROW Agent will mail certified 10-day letter to the owner.
- k) ROW Agent to provide 3 original appraiser affidavits and other necessary information for attorney to draft condemnation petition. Submit final condemnation file with conformed petition to the County.
- l) Complete ROW certification package and submit to GDOT DLGC.

IV. AVAILABLE INFORMATION:

The County shall provide the following:

- A. Approved ROW plans.
- B. Project Schedule

V. DELIVERABLES:

The following items shall be completed by the Consultant and delivered to the County during the term of this task order as specified by the Project Manager and in accordance with the approved project schedule:

- A. ROW Checklist
- B. Offer Packages
- C. Closing Documents
- D. Parcel Negotiation Files
- E. ROW Certification Package

VI. WORK SCHEDULE:

The Consultant shall not begin any work on a Task Order until authorized in writing by the Department through a Notice to Proceed, which shall provide an effective date for the start of consultant services. Any work, including but not limited to travel, preliminary meeting, planning, etc., performed outside the terms and conditions of this Task Order, or conducted before the Notice to Proceed has been issued by the Department, will not be considered for payment.

The Consultant must complete all work between the date of the Notice to Proceed (NTP) and the completion date specified in the NTP letter. In no instance shall any work be authorized beyond the completion date specified unless specifically authorized in writing by a task order time extension. All work specified in this task order shall be completed within 21 month(s) of the Notice to Proceed date, not to exceed the master professional services agreement expiration date.

VII. COMPENSATION (PAYMENT) METHODS:

The following method of payment(s) to consultant shall be used in accordance with The Professional Services Agreement and 23 CFR 172.9(b) Payment methods:

- Lump Sum (Firm Fixed Price) – A fixed/negotiated price not subject to any adjustment; the Consultant agrees to fulfill its obligation under this agreement, regardless of cost with no expectation of additional compensation beyond the agreed upon lump sum price in the performance of the work.

Under the following cost reimbursement payment methods (below), the Consultant will be compensated for actual allowable incurred costs, in accordance with the Federal Cost Principles. The Maximum Allowable Compensation dollar amount has been established as an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the Consultant may not exceed.

- Cost Plus Fixed Fee - An agreed-upon fixed fee amount for the Prime and Sub-consultants, together with all allowable incurred costs in the performance of the scope of services. Each individual consultant's fixed fee amounts will not vary with the actual cost in the performance of work by the Prime and/or Sub-consultants.

(Fixed Fee = (Direct Labor + Overhead / Indirect Cost Rate) X 10%);

Note: FCCM is not included in the calculation of the Fixed Fee amount.

- Cost Per Unit of Work (Menu of Services) – An agreed-upon cost for an agreed-upon effort per unit of work. The GDOT Project Manager shall manage and request the unit of work (Menu Items) to be performed by the Consultant. The Consultant shall not be in direct control of the number or menu items worked.

- Specific Rates of Compensation (Billable Hourly Rates) – An agreed-upon loaded fixed hourly rate for each classification of employees, which will not change for the duration of this task order and provides reimbursement to the Consultant based on the actual direct labor hours worked at specified fixed hourly rates. The loaded fixed hourly rates include direct labor costs, indirect cost, and fee plus any other direct expenses or costs determined allowable during negotiation. The GDOT Project Manager shall manage and monitor the consultant's level of effort and classification of employees used to perform the services under the Specific Rates of Compensation and the consultant shall not be in direct control of the number of hours worked.

NOTE: It is the responsibility of the Consultant to account for costs appropriately and maintain adequate records and supporting documentation to demonstrate costs claimed to have incurred are allocable to this task order, and comply with applicable cost principles. It is important to note that all costs or prices based on estimated costs shall be eligible for Federal-Aid reimbursement, only to the extent that cost incurred or cost estimates included in negotiated prices are allowable in accordance with the Federal cost principles.

VIII. SEXUAL HARASSMENT PREVENTION POLICY:

In accordance with ARTICLE #402 COMPLIANCE WITH APPLICABLE LAW, of the Original Professional Services Agreement, all contractors shall comply fully with The State of Georgia, Sexual Harassment Prevention Policy.

IX. ATTACHMENT LISTING:

ATTACHMENT A, STATE OF GEORGIA'S, SEXUAL HARASSMENT PREVENTION POLICY
ATTACHMENT B, COST PROPOSAL SUMMARY or BILLABLE HOURLY RATES or MENU OF SERVICES

IN WITNESS WHEREOF, said parties have hereunto affixed their signatures the day and year above first written:

FAYETTE COUNTY

PRACTICAL DESIGN PARTNERS, LLC

Commissioner

Signature: _____ Date

Printed Name/Title

ATTEST

Treasurer _____ Date

ATTACHMENT A

STATE OF GEORGIA

SEXUAL HARASSMENT PREVENTION POLICY

The State of Georgia promotes respect and dignity and does not tolerate sexual harassment in the workplace. The State is committed to providing a workplace and environment free from sexual harassment for its employees and for all persons who interact with state government. All State of Georgia employees are expected and required to interact with all persons including other employees, contractors, and customers in a professional manner that contributes to a respectful work environment free from sexual harassment. Furthermore, the State of Georgia maintains an expectation that its contractors and their employees and subcontractors will interact with entities of the State of Georgia, their customers, and other contractors of the State in a professional manner that contributes to a respectful work environment free from sexual harassment.

Pursuant to the State of Georgia's Statewide Sexual Harassment Prevention Policy (the "Policy"), all contractors who are regularly on State premises or who regularly interact with State personnel must complete sexual harassment prevention training on an annual basis.

A contractor, including its employees and subcontractors, who have violated the Policy, including but not limited to engaging in sexual harassment and/or retaliation may be subject to appropriate corrective action. Such action may include, but is not limited to, notification to the employer, removal from State premises, restricted access to State premises and/or personnel, termination of contract, and/or other corrective action(s) deemed necessary by the State.

- (i) If Contractor is an individual who is regularly on State premises or who will regularly interact with State personnel, Contractor certifies that:
- (a) Contractor has received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;
 - (b) Contractor has completed sexual harassment prevention training in the last year; or will complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVt0DDnc2s?rel=0> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and,
 - (c) Upon request by the State, Contractor will provide documentation substantiating the completion of sexual harassment training.
- (ii) If Contractor has employees and subcontractors that are regularly on State premises or who will regularly interact with State personnel, Contractor certifies that:
- (a) Contractor will ensure that such employees and subcontractors have received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;
 - (b) Contractor has provided sexual harassment prevention training in the last year to such employees and subcontractors and will continue to do so on an annual basis; or Contractor will ensure that such employees and subcontractors complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVt0DDnc2s?rel=0> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and
 - (c) Upon request of the State of the Georgia Department of Transportation, Contractor will provide documentation substantiating such employees and subcontractors' acknowledgment of the State of Georgia's Statewide Sexual Harassment Prevention Policy and annual completion of sexual harassment prevention training.

ATTACHMENT B

**COST PROPOSAL SUMMARY or BILLABLE HOURLY RATES or MENU OF SERVICES
(Include Attachments)**

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve an Intergovernmental Agreement (IGA) with the Town of Brooks to cover the material costs to repair a 72-inch Corrugated Metal Pipe and Fayette County to cover the labor and equipment costs.

Background/History/Details:

This project consists of rehabilitating an existing 72-inch corrugated metal pipe (CMP) located on Woods Road in the Town of Brooks by constructing a concrete invert reinforced with rebar stabilizing the pipe inlet and outlet with Type I riprap or Type III riprap. All work shall be performed in accordance with applicable local, state, and federal regulations and accepted construction standards.

Estimated Material Cost to be paid by the Town of Brooks - \$12,655.52

Estimated Labor to be provided by Fayette County - \$8,460.15

Estimated Equipment to be provided by Fayette County - \$5,096.00

Total Project Estimated Cost = \$26,211.67

What action are you seeking from the Board of Commissioners?

Approval of an Intergovernmental Agreement (IGA) with the Town of Brooks to cover the material costs to repair a 72-inch Corrugated Metal Pipe and Fayette County to cover the labor and equipment costs.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA
 COUNTY OF FAYETTE

WOODS ROAD PIPE REPAIR AGREEMENT

This Agreement entered into ____ day of _____ 2026 between the TOWN OF BROOKS, a municipal corporation lying wholly or partially within Fayette County, Georgia, acting by and through its Mayor and Council, hereinafter referred to as the "Town," and FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, hereinafter referred to as the "County" to provide for repair of a section of corrugated Metal Pipe on Woods Road within the corporate limits of the Town, hereinafter referred to as the "Agreement."

WITNESSETH:

WHEREAS, the forty-four (44) feet of double line, corrugated metal pipe on Woods Road, in the Town of Brook, is currently in good order, capable of full function, with the exception of the inlet and outlet ends of the pipe; and

WHEREAS, the Town wishes to rehabilitate these inlet and outlet ends in order to restore full functionality to the forty-four (44) linear feet of double line, corrugated metal pipe on Woods Road, within the corporate limits of the Town, hereinafter referred to as "the Project;" and

NOW THEREFORE, in consideration of the mutual agreement contained herein, The Town of Brooks and Fayette County agree as follows:

1. SCOPE OF WORK.

The Woods Road Pipe Repair Project, hereinafter referred to as the, “Project,” is the rehabilitation of an existing forty-four (44) foot double line of seventy-two (72) inch diameter corrugated metal pipe (CMP) located on Woods Road in the Town of Brooks by constructing a concrete invert that is reinforced with rebar and stabilizing the pipe inlet and outlet with Type I riprap or Type III riprap. The Project work is located at or near a point beginning at 314 Woods Road and terminating at a location at or near 342 Woods Road.

2. TERM OF AGREEMENT.

This Agreement shall become effective immediately following approval by the Fayette County Board of Commissioners and the Mayor and Council for the Town of Brooks. The agreement shall remain in effect through completion of the Project, as defined by the final restoration of the Project area and disposal all waste from same.

3. PROJECT COSTS.

The estimated cost of the Project is twenty-six thousand, two hundred eleven dollars and sixty-seven cents (26,211.67). Of this amount, approximately twelve thousand, six hundred fifty-five dollars and fifty-two cents (\$12,655.52) is the anticipated cost of materials to be borne by the Town of Brooks. All material costs shall be the responsibility of the Town of Brooks. The remaining costs of labor and equipment are to be borne by Fayette County.

4. FAYETTE COUNTY DUTIES AND RESPONSIBILITIES.

- A. Perform all work in accordance with applicable local, state, and federal regulations and accepted construction standards.
- B. Site Preparation
 - i. Mobilize equipment, materials, and personnel to the project site.
 - ii. Implement traffic control, erosion control, and sediment control measures as required.
 - iii. Clear debris, sediment, and obstructions from within the CMP and around the pipe ends to allow proper access and construction.
- C. Corrugated Metal Pipe (CMP) Invert Repair
 - i. Clean and prepare the interior of the CMP to ensure proper bonding of concrete (3000 psi.).
 - ii. Install reinforcing steel (rebar) within the invert area in accordance with project specifications and industry standards.
 - iii. Pour concrete to form a continuous reinforced concrete invert along the designated length of the CMP.
 - iv. Shape and finish the concrete invert to provide a smooth, uniform flow line and proper drainage.
 - v. Allow concrete to cure for the required duration prior to placing the pipe back into service.
 - vi. Repave the section of road directly over the pipe to eliminate a dip in the shoulder of the road using 9.5 mm Type 1 asphalt leveling

- D. Riprap Installation.
 - i. Furnish and install Type I riprap or Type III riprap with fabric at both the inlet and outlet ends of the CMP.
 - ii. Place riprap to the specified thickness and extent to protect against erosion and scour.
 - iii. Ensure proper grading and keying of riprap into existing ground for long-term stability.

- E. Restoration and Clean-Up
 - i. Restore disturbed areas adjacent to the pipe to original or better condition.
 - ii. Remove excess materials, debris, and equipment from the site.
 - iii. Dispose of waste materials in accordance with applicable regulations.

- F. Quality Control and Safety
 - i. Perform all work in a safe manner consistent with OSHA requirements.
 - ii. Ensure workmanship meets standard construction practices and project specifications.
 - iii. Conduct final inspection to verify completion and functionality of the repair.

5. TOWN OF BROOKS DUTIES AND RESPONSIBILITIES.

- A. The Town of Brooks will be responsible for costs of all materials. The Town shall reimburse Fayette County for these costs within thirty (30) days of the written request from the County.

- B. Following completion of the Project, The Town shall provide all maintenance services needed to ensure the ongoing function, desired aesthetics, and good repair of the Project area.
- C. The Town warrants that it owns or has rights to access, repair and maintain all those portions of Woods Road necessary to the completion of the Project. This area specifically includes but is not limited to the linear track of the pipe and the associated inlets and outlets thereof, beginning at a location at or near 314 Woods Road and terminating at a location at or near 342 Woods Road.
- D. The Town further warrants that the performance of work on the specified portions of Woods Road will not violate any restrictions, covenants, local or state law.

6. EXCLUSIONS.

- A. Work not specifically described herein, including, but not limited to, unforeseen subsurface conditions and additional structural repairs are excluded from the services exchanged under the terms hereof, unless authorized by a written change order.
- B. The Town and the County agree that the Roads, Pipe and infrastructure identified herein are part of the Town infrastructure systems and, as such, shall be completely and solely within the Town's jurisdiction and control. The County assumes no interest in the title of any portion of the Road, Pipes or other infrastructure within the Town. In no event shall any portion of the infrastructure within the Town be deemed County property or responsibility.

7. INDEMNIFICATION.

To the fullest extent permitted by law, the Town agrees and hereby does defend, hold harmless and indemnify the County and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees that arise out of, or result from the work performed under this agreement and/or any future maintenance of the same which are not incurred or suffered due to the negligence of the County.

To the fullest extent permitted by law, the County agrees to and hereby does defend, hold harmless and indemnify the Town and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees that arise out of, or result from the work performed under this agreement, which are not incurred or suffered due to the negligence of the Town.

8. SEVERABILITY.

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

9. COMPLETE AGREEMENT.

This Agreement is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties. Any revision hereto shall be made by written amendment executed by the parties hereto.

(Signatures to Follow on Next Page)

IN WITNESS WHEREOF, the parties herein have set their hands and seals on the date first above written.

FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
Lee Hearn, Chairman

Attest:

(COUNTY SEAL)

Tameca P. Smith, County Clerk

TOWN OF BROOKS

By: _____
Daniel C. Langford, Mayor

Attest:

(TOWN SEAL)

Lorey Spohr, Town Clerk

Administrator's Report: A



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TJB*

From: Colette Cobb *CC*

Date: January 27, 2026

Subject: Contract 2378-S: Water System Engineer of Record
 Task Order 26-01: FY26 On-Call Support Services
 Change Order 1: Technical Resources

Arcadis U. S., Inc. was awarded Contract 2378-S on February 15, 2024, to serve as the Water System Engineer of Record. The contract award established hourly rates which each task order amount will be based on. The contract was renewed for an additional year.

This Task Order provided technical services for the Water System for tasks related to water infrastructure facilities, permitting support, and general service needs. Arcadis will provide staff augmentation on an as-needed basis through June 30, 2026, to assist the Water System in executing projects.

This Change Order will provide FCWS with access to Arcadis' broad technical resources to address a variety of tasks related to FCWS's water infrastructure facilities, plan review, permitting support, and general service needs. Arcadis will provide staff augmentation on an as-needed basis to assist FCWS in executing projects under the Director's request.

Specifics of the proposed task order are as follows:

Contract Name	2378-S: Water System Engineer of Record
Contractor	Arcadis U.S., Inc.
Task Order 26-01	FY26 On-Call Support Services
Change Order 1	Technical Resources
Not to Exceed Amount	\$125,000.00
Change Order 1:	<u>\$ 35,000.00</u>
Not to Exceed Amount	<u>\$160,000.00</u>

Budget:

Org Code	50541010	Water System
Object	521211	Engineering Services
Available	\$123,418.19	As of 1/27/2026

Approved by:  Date: 1/27/26



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettedcountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess *[Signature]*
 From: Sherry White *[Signature]*
 Date: December 3, 2025
 Subject: Contract #26036-A Brooks Park Fencing

On October 15, 2025, the Purchasing Department issued a Request for Quotes 26036-A: Brooks Park Fencing to secure a contractor to replace the fencing at Brooks Park baseball fields #2, #4 and #5. Notice of the opportunity was emailed to 16 companies. Another 139 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #33013 (Fencing, Chain Link, Including Fabric, Gates, Panels, Posts and Fittings) and #80545 (Fencing Equipment, Sport). The offer was also advertised through Georgia Local Government Access Marketplace and the Fayette County website.

Three companies submitted quotes (Attachment 1). Parks and Recreation recommends awarding the repair of only field #4, to the lowest responder Amigo Fence and Stain. This company has not contracted with the county in the past, so a Contractor Performance Evaluation is not available. A positive response from all their references were received.

Specifics of the proposed contract are as follows:

Contract Name	#26036-A Brooks Park Fencing		
Contractor	Amigo Fence and Stain		
Contract Amount	\$73,000.00		
Budget:			
Fund	375		CIP
Organization Code	60110		Recreation
Object Code	541210		Other Improvements
Project	256AM		Field Fencing Replacement
Available Balance	\$132,820.40		As of 12/3/2025

Approved by: *[Signature]* Date: 12/3/25

Placed on Administrator's Report? Yes No Placed on Agenda Dated: _____

**RFQ #26036-B Brooks Park Fencing
TALLY SHEET
3:00p.m., Thursday, November 6, 2025**

Ball Fields	Hasbun Construction LLC	Hawk Fences LLC	Amigo Fence & Stain
FIELD #2 FENCING, DUGOUTS, AND BACKSTOP REPLACEMENT	\$91,000.00	\$75,100.00	\$68,000.00
FIELD #4 FENCING, DUGOUTS, AND BACKSTOP REPLACEMENT	\$95,000.00	\$81,700.00	\$73,000.00
FIELD #5 FENCING, DUGOUTS, AND BACKSTOP REPLACEMENT	\$88,000.00	\$78,850.00	\$70,000.00
BLEACHER COVER REPLACEMENT	\$8,000.00	\$9,800.00	\$6,500.00
TOTAL FENCING PRICE	\$282,000.00	\$245,450.00	\$217,500.00



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TLB*

From: Colette Cobb *CC*

Date: January 20, 2026

**Subject: Contract 26043-A: Crosstown WTP Raw #1 Pump/Motor Repairs
Change Order 2: Additional Repairs**

On October 3, 2025, the county awarded Contract 26043-A to Goforth Williamson, Inc. to repair one raw water vertical turbine pump and motor at Crosstown WTP. During the pump disassembly process, it became evident that further repairs were necessary.

Change Order 2 requests approval for the additional repairs to the vertical turbine.

Specifics of the proposed contract are as follows:

Contract Name	26043-A: Crosstown WTP Raw #1 Pump/Motor Repairs
Contractor	Goforth Williamson Inc
Change Order	2 Additional Repairs
Contract Amount	\$29,870.00
Change Order 1	\$12,430.00
Change Order 2	<u>\$ 9,200.00</u>
	\$51,500.00

Budget:

Fund	507	Water System
Org Code	50740400	Water System CIP
Object	542540	Water CIP
Project	9WSPR	Pump Refurbishment
Available	\$14,383.63	As of 1/20/2026

Approved by: *Steve Rapson* Date: *1/20/26*