

BOARD MEMBERS

John H. Culbreth, Sr., Chairman
John Kruzan, Vice-Chairman
Danny England
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
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
November 7, 2024
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on October 3, 2024
5. Plats

PUBLIC HEARING

6. Consideration of Petition 1357-24, request to rezone 3.65 acres from R-40 to A-R for the purpose of reconfiguring parcels between family members. The property is located in Land Lot(s) 254 of the 13th District and fronts on Kite Lake Road.
7. Consideration of Petition 1358-24-A, request to rezone 2.242 acres from A-R to M-1 for the purposes of developing a distribution warehouse. The property is located in Land Lot(s) 248 of the 5th District and fronts on State Route 85 N.
8. Consideration of Petition 1358-24-B, request to rezone 55.066 acres from C-H to M-1 for the purposes of developing a distribution warehouse. The property is located in Land Lot(s) 248 of the 5th District and fronts on State Route 85 N and

Oak Hill Road.

9. Consideration of Revised Development Plan RDP-020-24, The Woodlands, request approval of a Revised Development Plan for The Woodlands as depicted in the Preliminary Master Plan approved on November 9, 2006. The request is to remove an undeveloped phase, consisting of 28.450 acres, from the development. Property is located in Land Lot 88 & 73 of the 5th District and fronts Dixon Circle and S. Jeff Davis Drive.
10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding article VII.- Zoning Board of Appeals. – Sec. 110-242. – Powers and Duties.

Meeting Minutes 10/03/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on October 3rd, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth Sr., Chairman
John Kruzan, Vice-Chairman
Danny England [*absent*]
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.
2. Pledge of Allegiance.
3. Approval of Agenda. *Jim Oliver made a motion to APPROVE the agenda with the addition of item (a) Minor Final Plat for Doggie Dale (501 Padgett Road) on the October 3rd Agenda. Boris Thomas seconded the motion. The motion passed 4-0. Danny England was absent.*
4. Consideration of the Minutes of the meeting held on September 5, 2024. *Boris Thomas made a motion to APPROVE the minutes of the meeting held on September 5, 2024. Jim Oliver seconded the motion. The motion carried 3-0. John Kruzan abstained from voting as he was absent for the September 5, 2024, meeting.*
5. Plats
 - a. Final Plat Minor Final Plat for Doggie Dale (501 Padgett Road). *John Kruzan made a motion to APPROVE the Final Plat for Doggie Dale (501 Padgett Road). Jim Oliver seconded the motion. The motion carried 4-0.*

PUBLIC HEARING

1. Consideration of Petition MHP-0001-24, Review of the Development Plan for a Manufactured Home Park. The applicant is submitting a Development Plan for a Manufactured Home Park, Per Sec. 110-141. - MHP, Manufactured Home Park District, an application for approval of a manufactured home park will be considered administratively as a petition for rezoning and will be subject to the

procedures established in this chapter. After review and public hearing, the board of commissioners may disapprove, approve, or approve with modifications to the site plan and/or letter of intent after receiving the recommendation of the planning commission. This review of the development plan is the first of two required public hearings.

Ms. Bell advised that the **PETITIONER REQUESTED TO WITHDRAW** the petition to develop a Manufactured Home Park.

Jim Oliver made a motion to ALLOW THE WITHDRAWAL of Petition MHP-0001-24, John Kruzan seconded the motion. The motion carried 4-0.

Mr. John Culbreth asked Ms. Bell when would the petitioner be eligible to resubmit the Manufactured Home Park.? Ms. Bell responded there was no time restriction.

ADJOURNMENT:

John Kruzan moved to adjourn the meeting. Jim Oliver seconded. The motion passed 4-0.

The meeting adjourned at 7:08 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN H. CULBRETH, SR., CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: 1357-24

REQUESTED ACTION:

PARCEL NUMBER: 1302 036

PROPOSED USE: Residential

EXISTING USE: Agricultural-Residential

LOCATION: Kite Lake Road

DISTRICT/LAND LOT(S): 13th District, Land Lots 254

AREA: 3.65 Acres

OWNERS: G. Richard Moore, Judith Moore, Elizabeth Anne Moore, Jeanette Isabelle Frei, and Patricia Louise Moore, Trustees of the Moore Living Trust

AGENT: G. Richard Moore

PLANNING COMMISSION PUBLIC HEARING: November 7, 2024, at 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: December 12, 2024, at 2:00 PM

APPLICANT'S INTENT

Applicant proposes to rezone 3.65 acres from R-40 to A-R for the purpose of reconfiguring parcels between family members. The family owns 2 larger parcels (#1302 046; #1302 051) that are already zoned A-R. The larger parcels were originally planned to be a residential subdivision, so they do not have the appropriate road frontage. By rezoning this 3.65-acre parcel, they will be able to reconfigure the existing parcels to provide the necessary road frontage. There is also a guest house on one parcel that was modified and exceeds the maximum allowable SF for guest houses. The proposed reconfiguration will provide a separate parcel for this structure, thereby bringing it into compliance. No additional parcels will be created at this time.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 Unit/1 Acre) is designated for this area, so the request for A-R zoning is appropriate because it is a less intensive use. As noted above, the proposed rezoning and parcel reconfiguration will resolve several nonconformances. Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of A-R, Agricultural-Residential District, subject to the following:

1. The recombination plat for parcels 1302-051, 1302-046 and 1302-036 shall be submitted for staff review and approved and recorded within 90 days of approval of the rezoning.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The parcel is currently zone R-40 and is a legal lot. It is not located in an Overlay Zone

B. REZONING HISTORY:

This parcel was rezoned from A-R to R-40 on December 8, 1977, Petition 341-77.

C. CURRENT DEVELOPMENT HISTORY:

The subject parcel is undeveloped and will be recombined with two other parcels to provide lots for single-family dwellings. No additional lots will be created at this time.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R and R-40. See the following table and the attached Zoning Map.

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across Kite Lake Rd.)	100+	R-40	Single-Family Residential	Low Density Residential (1 Unit/1 Acre)
South	65	A-R	Agricultural-Residential	Rural Residential – 2 (1 Unit/2 Acres)
East	5	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
West	11.80	A-R	Single Family Residential	Low Density Residential (1 Unit/1 Acre)

E. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1Acre).

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **Public Works & Environmental Management**
 - **Access Management** – Kite Lake Road is a County Local, deeded, 60-foot right or way. There is no traffic data for Kite Lake Road.
 - **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 13113C0038E 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 the site **WILL NOT 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 BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces for a major subdivision or commercial site plan.
-
- ☐ **Environmental Health Department** – This office has no objections to the proposed rezoning.
 - ☐ **Fire** – No objections to the requested rezoning.
 - ☐ **GDOT** – Not applicable.
 - ☐ **Fayette County School System** – Not applicable – no new lots.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that if conditions are approved, 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 low density 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.

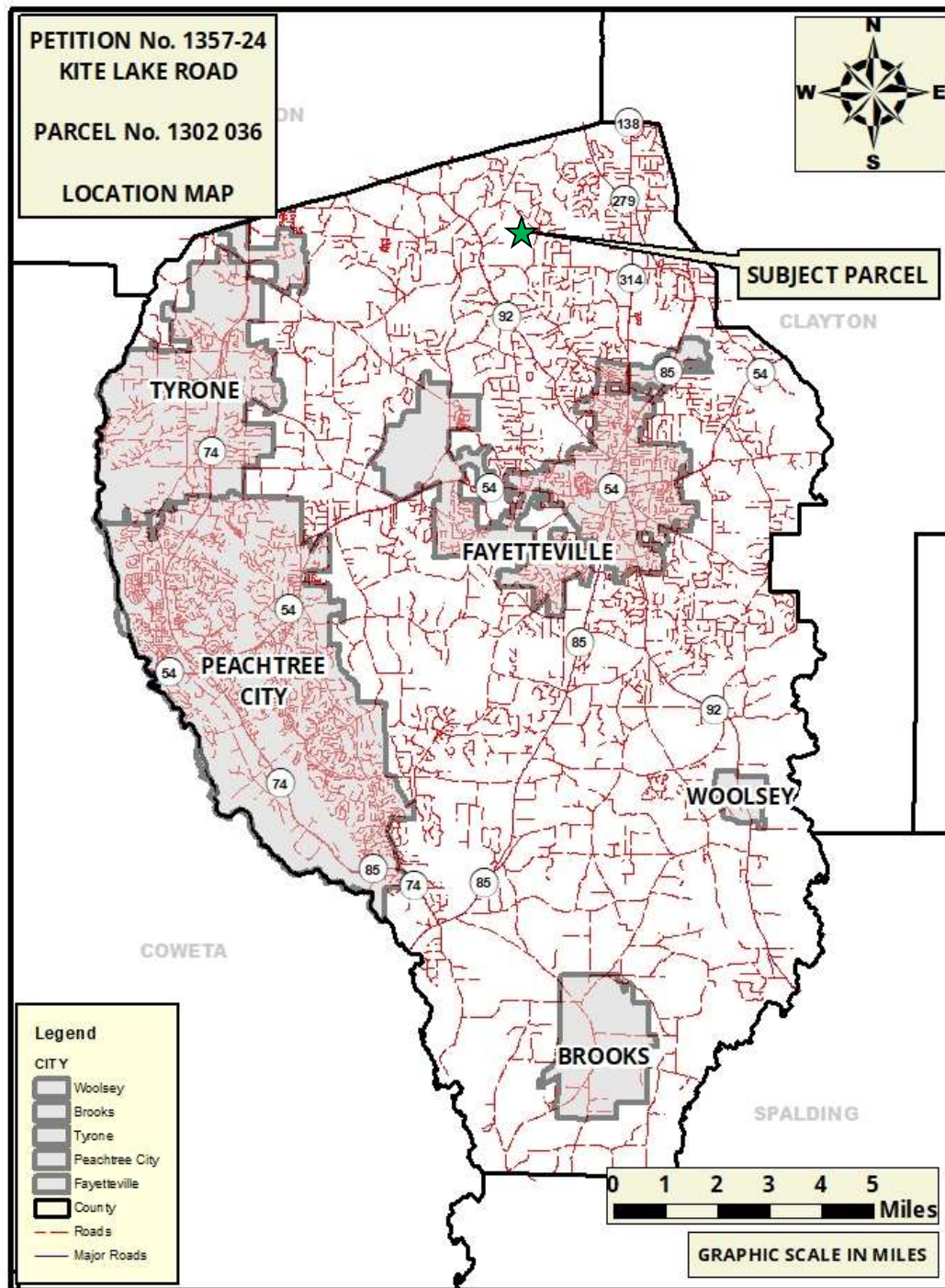
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

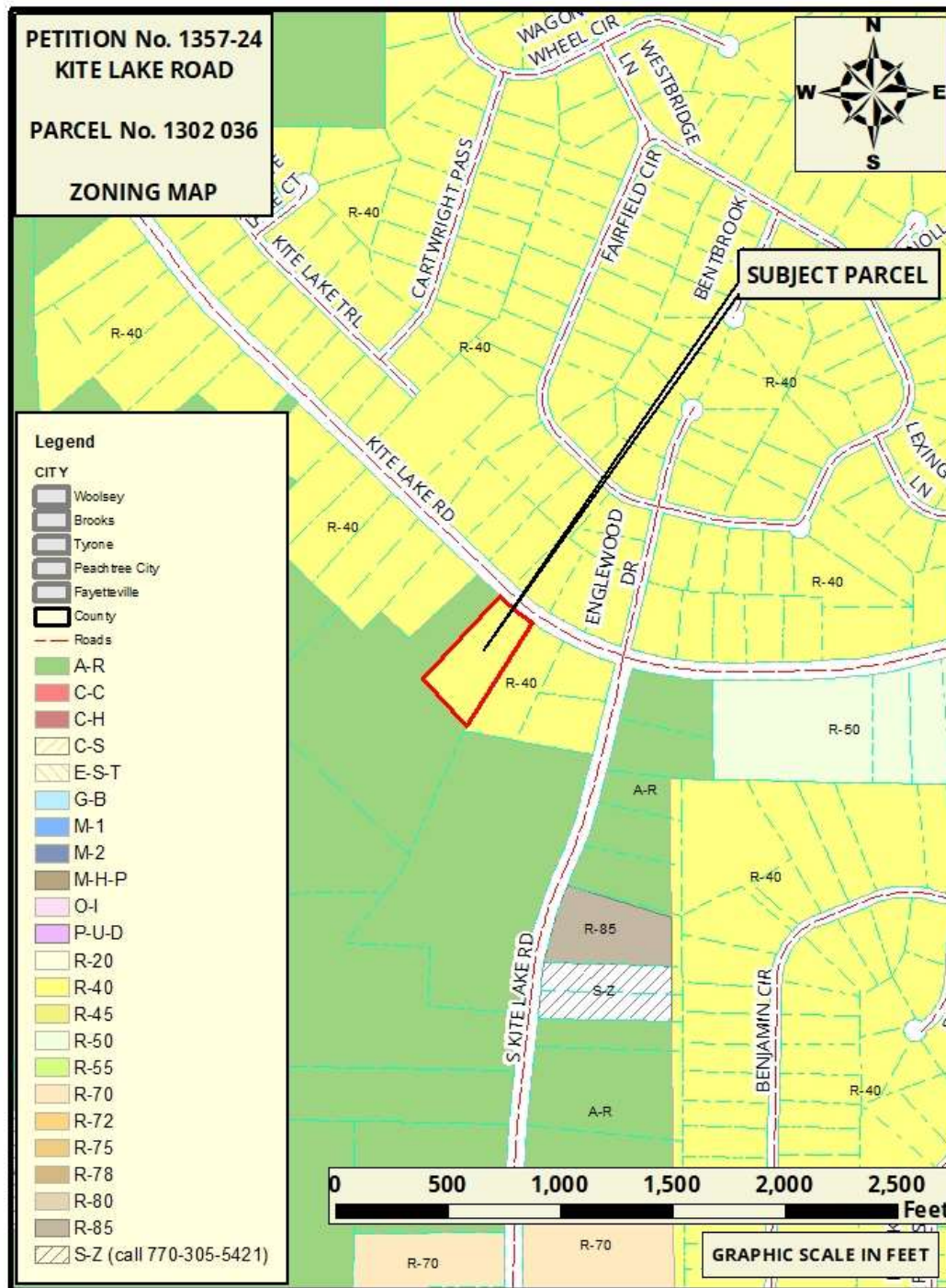
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard 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

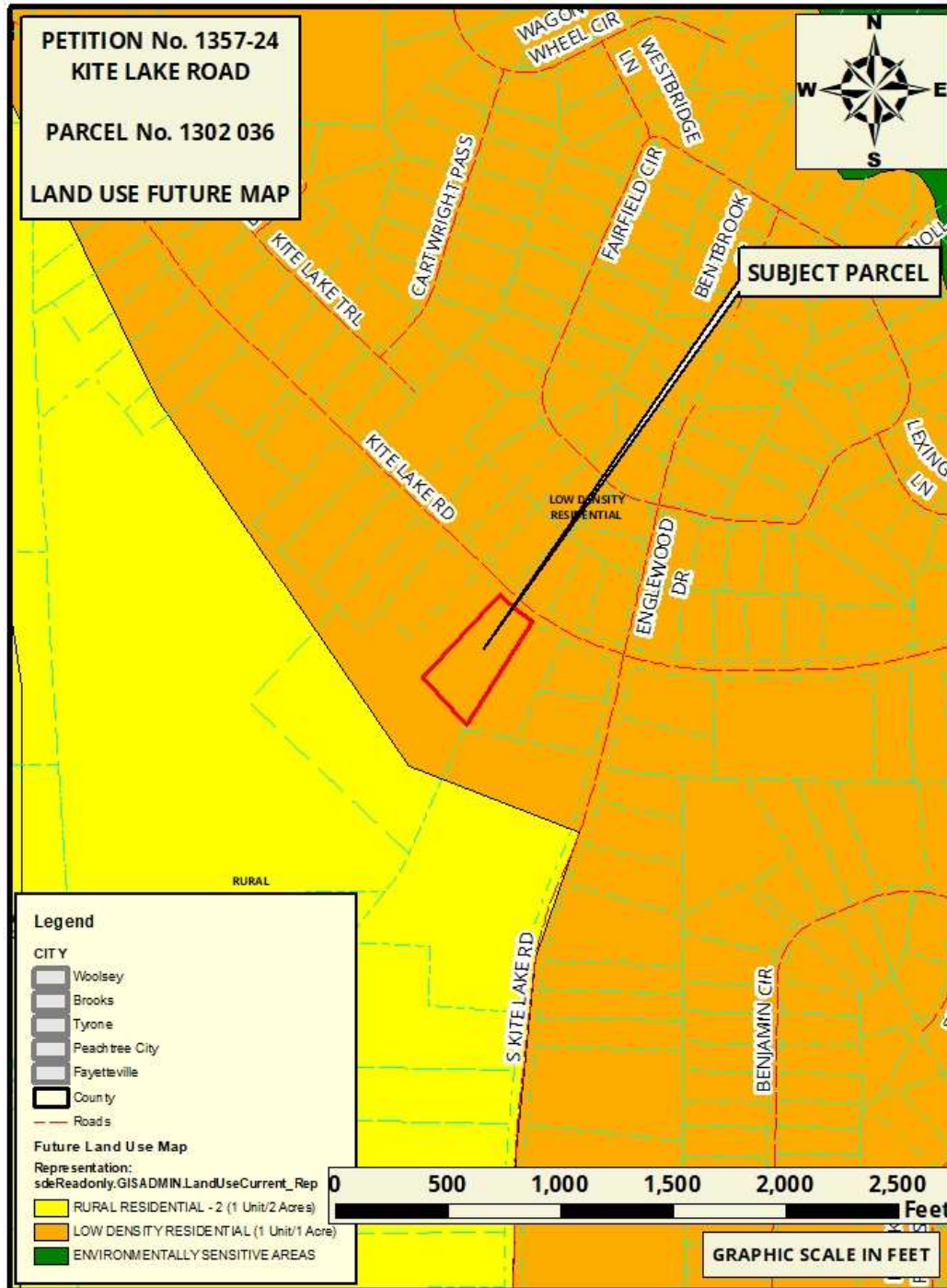
distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.

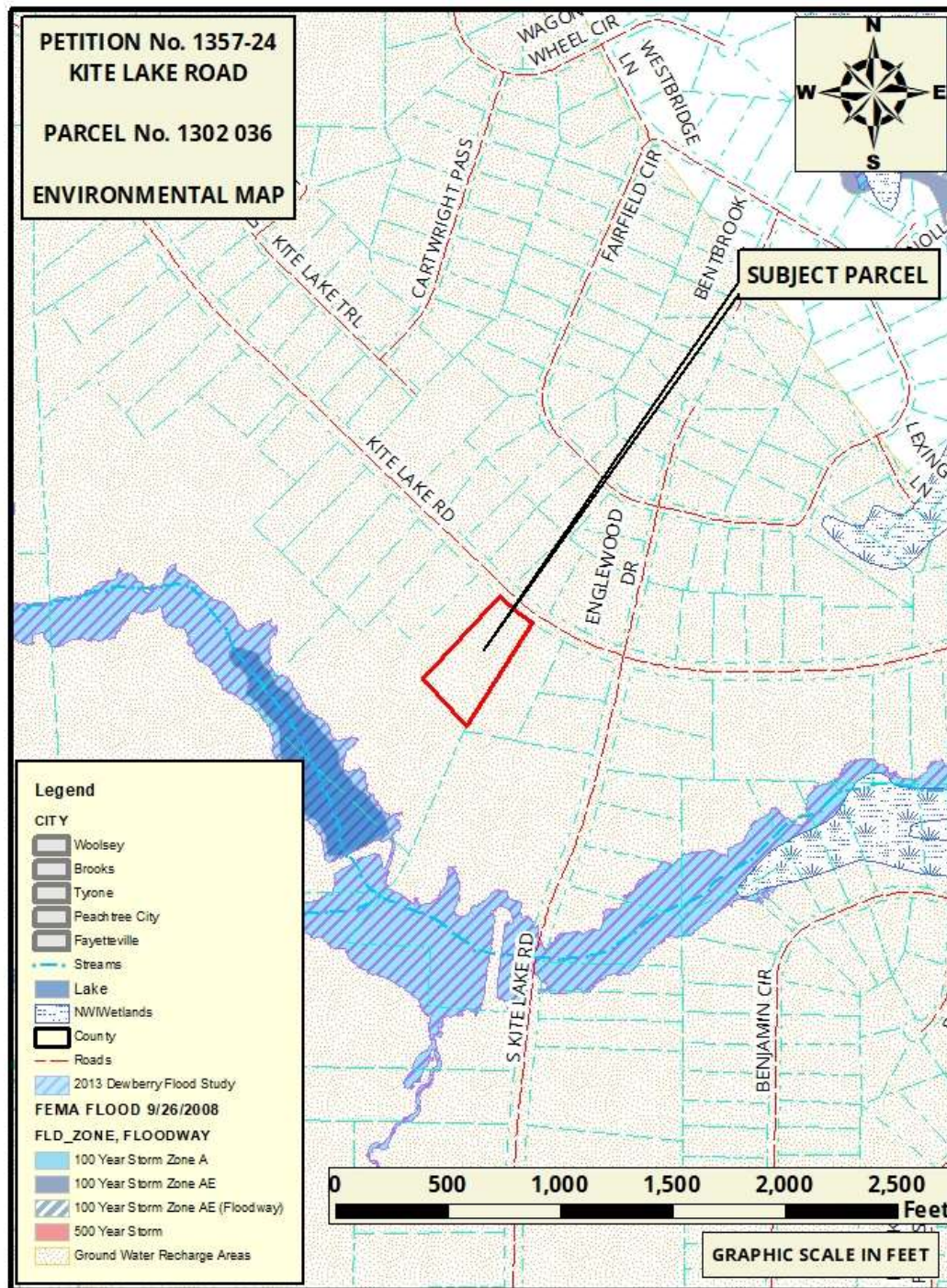
(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the 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.

(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)

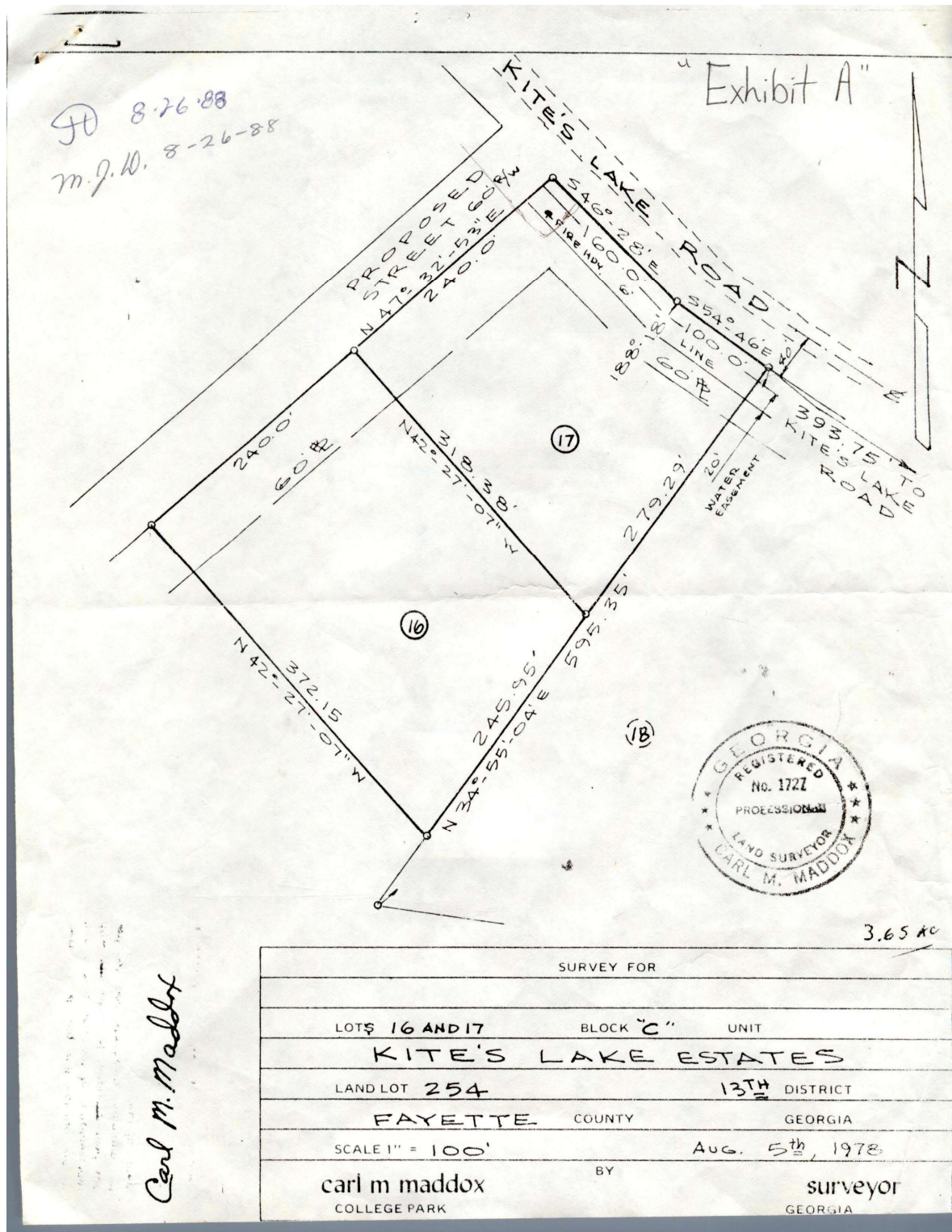














PETITION No (s): 1357-2A
STAFF USE ONLY

APPLICANT INFORMATION

Name G. Richard Moore
Address 273 Kite Lake Road
City Fayetteville
State GA Zip 30214
Email [REDACTED]
Phone [REDACTED]

AGENT(S) (if applicable)

Name G. Richard Moore
Address 273 Kite Lake Road
City Fayetteville
State GA Zip 30214
Email [REDACTED]
Phone [REDACTED]

PROPERTY OWNER INFORMATION

G. Richard Moore, Judith Moore, Elizabeth Anne
Name Moore, Jeannette Isabelle Frei, and Patricia Louise
Moore, Trustees of the Moore Living Trust
Address 273 Kite Lake Road
City Fayetteville
State GA Zip 30214
Email [REDACTED]
Phone [REDACTED]

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 G. Richard Moore 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: _____ Receipt Number: _____

PETITION No.: 1357-24 **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 1302 036 Acreage: 3.65
Land District(s): 13 Land Lot(s): 254
Road Name/Frontage L.F.: Kite Lake Road/ Road Classification: Collector
Existing Use: vacant Proposed Use: residential
Structure(s): _____ Type: _____ Size in SF: _____
Existing Zoning: R40 Proposed Zoning: A/R
Existing Land Use: Low Density Residential Proposed Land Use: Low Density Residential
Water Availability: Yes Distance to Water Line: 10 feet Distance to Hydrant: 500 feet

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:

G. Richard Moore, Judith Moore, Elizabeth Anne Moore, Jeannette Isabelle Frei, and Patricia Louise Moore,

Trustees of the Moore Living Trust

Property Tax Identification Number(s) of Subject Property: 1302036

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 254 of the 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 3.65 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to G. Richard Moore 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) G. Richard Moore

Signature of Property Owner 1

273 Kite Lake Rd

Address

[Signature]

Signature of Property Owner 2

150 Bennington Pass, Tyrone GA

Address

[Signature]

Signature of Property Owner 3

273 Kite Lake Rd

Address

[Signature]

Signature of Authorized Agent

273 Kite Lake Rd

Address

Judith Moore, 273 Kite Lake Rd
Property Owner 4

Property Owner 5

Signature of Notary Public

24 July 2024

Date

Signature of Notary Public

24 July 2024

Date

Signature of Notary Public

24 July 2024

Date

Signature of Notary Public

24 July 2024

Date

JENNIFER KING
NOTARY PUBLIC
Coweta County
State of Georgia
My Comm. Expires March 24, 2026

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REZONING APPLICATION - 5

PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: G. Richard Moore

ADDRESS: 273 Kite Lake Road Fayetteville GA 30214

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

G. Richard Moore affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R4 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 A/R.

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 Oct 3, 2014 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of Oct 24, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 24 DAY OF July, 2024

G Richard Moore [Signature]

SIGNATURE OF PROPERTY OWNER

[Signature] [Signature]

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC

JENNIFER KING
NOTARY PUBLIC
Coweta County
State of Georgia
My Comm. Expires March 24, 2026

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

G. Richard Moore, Judith Moore, Elizabeth Anne Moore, Jeannette Isabelle Frei, and Patricia Louise Moore, Trustees of the Moore Living Trust
I/We, Moore, Jeannette Isabelle Frei, and Patricia Louise Moore, Trustees of the Moore Living Trust, 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 Kite Lake Road as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 24 day of July, 2024.

G Richard Moore

SIGNATURE OF PROPERTY OWNER

Judith Moore

SIGNATURE OF PROPERTY OWNER

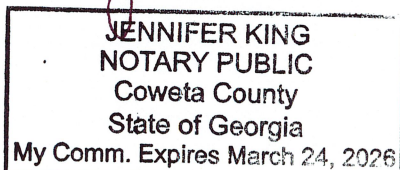
[Signature]

[Signature]

[Signature]

NOTARY PUBLIC

[Signature]



DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

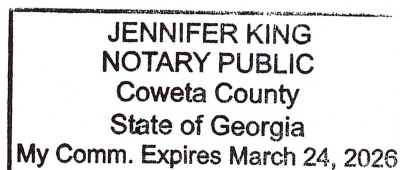
- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (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".
- [xxx] 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 24 day of July, 2024.

Richard Moore

APPLICANT'S SIGNATURE

JKings



DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: XX 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.

Legal Description of lots 16 & 17

All that tract or parcel of land lying and being in Land Lot 254 of the 13th Land District of Fayette County, Georgia, and being shown as Lots 16 and 17 of Block "C" of Kite's Lake Subdivision, dated August 5, 1978, prepared by Carl M. Maddox, Registered Land Surveyor and being more particularly described as follows:

BEGINNING at a point on the Southwestern right of way of Kite's Lake Road 393.75 feet as measured Northwesterly along the Southwestern right of way of Kite's Lake Road from a point located at the intersection of Kite's Lake Road and Kite's Lake Road; running thence South $34^{\circ} 55' 04''$ West 525 .24 feet to a point; running thence North $42^{\circ} 27' 07''$ West 372 .15 feet to a point located on the Southeastern right of way of a proposed street; running thence North $47^{\circ} 32' 53''$ East along the Southeastern right of way of aforesaid proposed street, 480 feet to a point located on the Southwestern right of way of Kite's Lake Road; running thence South $46^{\circ} 28'$ East along the Southwestern right of way of Kite's Lake Road 160 feet to a point; running thence South $54^{\circ} 46'$ East along the Southeastern right of way of Kite's Lake Road 100 feet to the POINT OF BEGINNING.

After recording, return to:
Ordway & deAndrade, LLC
Mark deAndrade, Esq.
Two Ravinia Drive, Suite 1340
Atlanta, Georgia 30346

STATE OF GEORGIA
COUNTY OF FAYETTE



Doc ID: 007808760002 Type: GLR
Filed: 05/19/2008 at 03:00:00 PM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 3400 PG 341-342

WARRANTY DEED

THIS INDENTURE is made as of the 11th day of April, 2008, between JUDITH W. MOORE (hereinafter referred to as "Grantor"), and G. Richard Moore, Judith Moore, Elizabeth Anne Moore, Jeannette Isabelle Frei, and Patricia Louise Moore, Trustees of the Moore Living Trust dated February 21, 2008 and any amendments thereto (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and love and affection, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Fayette County, Georgia (herein referred to as the "Land") as more particularly on Exhibit A attached hereto and incorporated herein.

THIS CONVEYANCE is made subject to all zoning ordinances, easements, and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the 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 forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever.

Preparer has not performed a title examination or confirmed the legal description, and as such makes no representation with regard to the same.

EXECUTED under seal as of the date above.

Signed, sealed and delivered in
the presence of

Unofficial Witness

Notary Public

Commission Expiration Date

(NOTARY SEAL)

GRANTOR:

JUDITH W. MOORE

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 254 of the 13th Land District of Fayette County, Georgia, and being shown as Lots 16 and 17 of Block "C" of Kite's Lake Subdivision, dated August 5, 1978, prepared by Carl M. Maddox, Registered Land Surveyor and being more particularly described as follows:

BEGINNING at a point on the Southwestern right of way of Kite's Lake Road 393.75 feet as measured Northwesterly along the Southwestern right of way of Kite's Lake Road from a point located at the intersection of Kite's Lake Road and Kite's Lake Road; running thence South $34^{\circ}55'04''$ West 525.24 feet to a point; running thence North $42^{\circ}27'07''$ West 372.15 feet to a point located on the Southeastern right of way of a proposed street; running thence North $47^{\circ}32'53''$ East along the Southeastern right of way of aforesaid proposed street, 480 feet to a point located on the Southwestern right of way of Kite's Lake Road; running thence South $46^{\circ}28'$ East along the Southwestern right of way of Kite's Lake Road 160 feet to a point; running thence South $54^{\circ}46'$ East along the Southeastern right of way of Kite's Lake Road 100 feet to the POINT OF BEGINNING.

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, No-
vember 7, 2024, at 7:00 P.M., and
before the Fayette County Board of
Commissioners on Thursday, De-
cember 12, 2024, at 2:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No.: 1357-24
Owner/Agent: Moore Living Trust,
G. Richard Moore, Agent
Existing Zoning District: R-40
Proposed Zoning District:
A-R

Parcel Number: 1302 036
Area of Property: 3.65 acres
Proposed Use: Residential
Land Lot(s)/District: Land Lot 254
of the 13th District

Fronts on: Kite Lake Road
PROPERTY DESCRIPTION

Legal Description of Lots 16 & 17
All that tract or parcel of land lying
and being in Land Lot 254 of the
13th Land District of Fayette Coun-
ty, Georgia, and being shown as
Lots 16 and 17 of Block "C" of Kite's
Lake Subdivision, dated August 5,
1978; prepared by Carl M. Maddox,
Registered Land Surveyor and be-
ing more particularly described as
follows:

BEGINNING at a point on the
Southwestern right of way of Kite's
Lake Road 393.75 feet as measured
Northwesterly along the South-
western right of way of Kite's Lake
Road from a point located at the in-
tersection of Kite's Lake Road and
Kite's Lake Road; running thence
South 34° 55' 04" West 525.24 feet
to a point; running thence North
42° 27' 07" West 372.15 feet to a

point located on the Southeastern
right of way of a proposed street;
running thence North 47° 32' 53"
East along the Southeastern right
of way of aforesaid proposed street,
480 feet to a point located on the
Southwestern right of way of Kite's
Lake Road; running thence South
46° 28' East along the Southwest-
ern right of way of Kite's Lake Road
160 feet to a point; running thence
South 54° 46' East along the South-
eastern right of way of Kite's Lake
Road 100 feet to the POINT OF
BEGINNING.

10/16

PETITION NO: 1358-24-A-B

PETITION NO: 1358-A

REQUESTED ACTION: Rezone from A-R (Agriculture-Residential)
to M-1 (Light Industrial)

PARCEL NUMBER: 0552 030 (Labeled as Tract I in attached survey) – 2.242 acres

PROPOSED USE: Commerce-Industry Complex and Distribution Warehouse

EXISTING USE: Vacant land

LOCATION: Hwy 85 N

DISTRICT/LAND LOT(S): 5th District, Land Lot 248

ACREAGE: 2.242 acres

OWNER(S): Brent-Fayette, LLC/LDO Fayette, LLC

APPLICANT(S): Brent Holdings, LLC

AGENT(S): Daniel Fields; Steven L. Jones, Attorney

PLANNING COMMISSION PUBLIC HEARING: November 7, 2024, 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: December 12, 2024, 2:00 PM

APPLICANT'S INTENT

Applicant proposes to rezone two parcels totaling 57 +/- acres from A-R (Agricultural-Residential) and C-H (Highway Commercial) to M-1 (Light Industrial) for the purposes of developing a commerce-industry complex with small buildings ranging in size from approx. 12,000 SF to 20,000 SF and a distribution warehouse of approximately 260,000 SF to the rear of the property.

Petition 1358-24-A is a request to rezone 2.242 acres from A-R to M-1.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of M-1, Light Industrial District.

If the rezoning is approved, staff recommends the following **CONDITIONS**:

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 90 days of the approval of the petition or prior to the submittal of a site development plan,

whichever comes first.

2. Oak Hill Road is a County Local Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Oak Hill Road. The Right of way dedication shall be completed within 90 days of rezoning.
3. Article XII. - Watershed Protection Ordinance shall apply to the tracts presented in the rezoning case 1358-24 and these new buffers will be applied during development.

Staff Note regarding Condition 3 - the buffer requirements for Camp Creek apply:

*** Sec. 104-182. - Minimum watershed protection requirements.**

(a) The following watershed buffer and setback requirements shall be required on all state waters requiring a buffer within the unincorporated county:

(1) No sewage treatment facility, dumping, discharging, releasing, spraying, distributing of any toxic or other pollutant is allowed onto the watershed buffer and setback.

(2) Watershed buffer areas may be hand thinned or hand trimmed of vegetation in accordance with the county's soil erosion and sedimentation control ordinance (article IX of this chapter).

(3) Pervious hiking trails, four feet wide or less, and pervious picnic areas, 100 square feet or less and with standard-size picnic tables, will be allowed within the watershed buffer and setback, but not within the 25 foot state water buffer unless all federal permits and state variances have been granted. Any land disturbance activities are subject to articles IV and IX of this chapter.

(4) The watershed buffer shall only constitute 50 percent of a livestock containment area.

(5) The watershed buffer shall only extend for 1,000 feet from the wrested vegetation of state waters requiring a buffer. If the watershed buffer exceeds the said 1,000 feet then the 1,000 feet will become the watershed buffer and watershed setback will not be applied.

(6) For subsections (c), (d) and (e) of this section only the watershed buffer may be reduced to 100 feet for activities that do not require grubbing or tilling, such as tree harvesting without stump removal, if and only if, a copy of documentation submitted to the Georgia Forestry Commission is submitted to the environmental management department prior to requesting a reduction in the watershed buffer.

- Paragraphs b, c, and d are omitted, not applicable here -

(e) The following shall apply to these named tributaries: Ginger Cake Creek, Pelham Creek, Perry Creek, South Camp Creek, Sandy Creek, Shoal Creek, Tar Creek, and Whitewater Creek within the Whitewater Creek Watershed; Gay Creek, Morning Creek, Murphy Creek, North Camp Creek, and Nash Creek within the Flint River Watershed, Trickum Creek within the Line Creek Watershed, and all other state waters requiring a buffer within 1,000 feet of the streams set forth in this subsection:

(1) The minimum watershed buffer is 200 feet from wrested vegetation or 100 feet from base flood elevation, whichever is greater; and

(2) The minimum watershed setback is 50 feet as measured from the buffer.

PETITION NO: 1358-24-B

REQUESTED ACTION: Rezone from C-H Conditional (Highway Commercial with Conditions) to M-1 (Light Industrial)

PARCEL NUMBER: 0552 014 (Labeled as Tract 2 in attached survey) – 55.066 acres

PROPOSED USE: Commerce-Industry Complex and Distribution Warehouse

EXISTING USE: Vacant land

LOCATION: Hwy 85 N & Oak Hill Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 248

ACREAGE: 55.066 acres

OWNER(S): Brent-Fayette, LLC/LDO Fayette, LLC

APPLICANT(S): Brent Holdings, LLC

AGENT(S): Daniel Fields; Steven L. Jones, Attorney

PLANNING COMMISSION PUBLIC HEARING: November 7, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: December 12, 2024

APPLICANT'S INTENT

Applicant proposes to rezone two parcels totaling 57 +/- acres from A-R (Agricultural-Residential) to M-1 (Light Industrial) for the purposes of developing a commerce-industry complex with small buildings ranging in size from approx. 12,000 SF to 20,000 SF and a distribution warehouse of approximately 260,000 SF to the rear of the property.

Petition 1358-B-24 is a request to rezone 55.066 acres from C-H Conditional to M-1.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of M-1, Light Industrial District.

If the rezoning is approved, staff recommends the following **CONDITIONS**:

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 90 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.
2. Oak Hill Road is a County Local Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the

existing centerline of Oak Hill Road. The Right of way dedication shall be completed within 90 days of rezoning.

3. Article XII. - Watershed Protection Ordinance shall apply to the tracts presented in the rezoning case 1358-24 and these new buffers will be applied during development.*

Staff Note regarding Condition 3 – the buffer requirements for Camp Creek apply.

*** Sec. 104-182. - Minimum watershed protection requirements.**

(a) The following watershed buffer and setback requirements shall be required on all state waters requiring a buffer within the unincorporated county:

(1) No sewage treatment facility, dumping, discharging, releasing, spraying, distributing of any toxic or other pollutant is allowed onto the watershed buffer and setback.

(2) Watershed buffer areas may be hand thinned or hand trimmed of vegetation in accordance with the county's soil erosion and sedimentation control ordinance (article IX of this chapter).

(3) Pervious hiking trails, four feet wide or less, and pervious picnic areas, 100 square feet or less and with standard-size picnic tables, will be allowed within the watershed buffer and setback, but not within the 25 foot state water buffer unless all federal permits and state variances have been granted. Any land disturbance activities are subject to articles IV and IX of this chapter.

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- Paragraphs b, c, and d are omitted, not applicable here -

(e) The following shall apply to these named tributaries: Ginger Cake Creek, Pelham Creek, Perry Creek, South Camp Creek, Sandy Creek, Shoal Creek, Tar Creek, and Whitewater Creek within the Whitewater Creek Watershed; Gay Creek, Morning Creek, Murphy Creek, North Camp Creek, and Nash Creek within the Flint River Watershed, Trickum Creek within the Line Creek Watershed, and all other state waters requiring a buffer within 1,000 feet of the streams set forth in this subsection:

(1) The minimum watershed buffer is 200 feet from wrested vegetation or 100 feet from base flood elevation, whichever is greater; and

(2) The minimum watershed setback is 50 feet as measured from the buffer.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

Petition No. 1358-A-24 - Parcel 0552 030 is a legal nonconforming lot; it does not contain the required minimum acreage for the A-R zoning district (5.0 acres). However, the minimum acreage required for M-1 is 1.0 acres, where public water is available, so it will meet this criterion.

Petition 1358-B-24 - Parcel 0552 014 does contain the minimum required acreage for the current C-H zoning district and for the proposed M-1 zoning district.

The properties are currently undeveloped.

GDOT will review and approve access engineering & construction plans within their jurisdiction when site development plans are submitted.

This property is located in the General State Route Overlay Zone. All developments are required to meet the Overlay criteria.

B. ZONING & DEVELOPMENT HISTORY:

Parcel 0552 014 has been the subject of rezoning and development proposals in the past, but none have come to fruition.

The parcel was the subject of rezoning Petition No. 126-70, in which Betty R. Stanley applied for a rezoning to C-4 MHP, for a Mobile Home Park. A rezoning to C-4 MHP was approved by the Board of Commissioners on July 10, 1970. A conceptual site plan was submitted, and preliminary engineering was conducted, but the mobile home park was never developed.

The parcel was the subject of rezoning Petition No. 572-86, in which Jerry Ballard, agent & Dan Stinchcomb, owner, requested to rezone from MHP (Manufactured Home Park) to C-H (Highway Commercial). A rezoning to C-H, Conditional, was approved by the Board of Commissioners on March 27, 1986. A conceptual site plan accompanied the rezoning, but the project was never developed.

The original conditions are below. *It should be noted that these conditions are now addressed in the County's ordinances and development regulations and do not need to be carried over if the property is rezoned.*

1. To the owner's agreement that exterior illumination along the property lines of the abutting residential property (excluding A-R) shall be directed or shielded so that the light source will not shine directly upon an immediately adjacent residential property.
2. To the owner's agreement to provide and maintain off-street parking on this property during the entire construction period.
3. To the owner's agreement to provide designated fire lanes adjacent to all structures and to provide fire hydrants and access for fire-fighting equipment as required by Fayette County Fire Department.

In 2019, there was discussion about developing the area as a recreational complex, but that was not realized, either.

There are environmental conditions on the northeastern part of the property, including flood plain and Cartecay and Wehadkee soil complexes, that make these areas undevelopable.

The development is subject to the State Route 85 North Overlay Zone. This provides architectural, parking, and access controls; 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
Northeast	N/A	N/A	Clayton County	N/A
Northwest (across Hwy 85)	23; 1.0	C-H; A-R	Commercial; Residential, vacant	Commercial
West	2.8	C-H	Used Car Sales	Commercial
South	1.0; 20.0	A-R; R-20	Vacant; Residential	Commercial; Low Density Residential

D. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Commercial uses on the Future Land Use Plan map. This request **DOES NOT** conform to the Fayette County Future Land Use Plan. However, the Land Use Element chapter of the Comprehensive Plan does discuss consideration of the Nonresidential Corridor Area as follows:

Commercial

This category identifies areas of commerce where both retail and wholesale are conducted. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. Generally, commercial development in the unincorporated County should be nodal in nature centered on an intersection to limit strip commercial development along major roadways. Strip commercial development is characterized by lots with broad road frontage, with multiple curb cuts and limited shared inter-parcel access, and limited accessibility for pedestrians. However, along nonresidential corridors, the County should adopt regulations to achieve quality commercial development.

The Land Use Plan Map illustrates the concentration of commercial land uses in various locations throughout the unincorporated area. The land used areas vary from smaller, neighborhood commercial areas to larger, concentrated areas of commercial activity. The following section provides a brief description of the major commercial areas.

SR 85 North of Fayetteville: *A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new*

development.

The Land Use Element chapter continues by describing Industrial uses:

Industrial

This category designates all land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses. For more descriptive purposes, industrial land use is subdivided into "Light" and "Heavy" categories:

Light Industrial: *Includes non-heavy manufacturing and uses such as service industries, assembly, warehousing, and other industrial uses.*

Heavy Industrial: *Designates land uses which heavily impact adjacent land uses such as heavy manufacturing industries, rock quarries, and auto salvage yards.*

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objections to the rezoning.
- ☐ **Public Works**
 - **Road Frontage Right of Way Dedication** – Oak Hill Road is a County Local Road on the Thoroughfare Plan. Applicant to provide a minimum of 30 feet of ROW as measured from the existing road centerline. SR 85 is a state route and GDOT controls right of way along the existing frontage.
 - **Traffic Data** -- According to the GDOT on-line traffic data, the annual average daily traffic for SR 85 is **32,000 vehicles per day (2023)**.
 - **Sight Distance and access** -- Minimum sight distances will have to be satisfied for the proposed new driveway intersection on Oak Hill Road. GDOT will provide access to SR 85 and sight distance requirements.
- ☐ **Environmental Management**
 - **Floodplain Management** -- The site **DOES** contain floodplain per FEMA FIRM panel 13113C0043E dated September 26, 2008, or in the FC Flood Study.
 - **Wetlands** -- The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** -- There **ARE** state waters located on the subject property 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 if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
 - **Landscape and Tree Replacement Plan** -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- ☐ **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** – No objections to the requested rezoning.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various commercial and residential uses. It is staff's opinion that the zoning proposal might have an adverse effect the existing or future uses of nearby residential properties, although it is not likely to have an adverse impact on nearby nonresidential uses.
3. It is staff's opinion that a commercial use would generate a greater number of daily vehicle trips than would a 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 not consistent in character and use with the surrounding uses as low density residential. However, it is consistent with some of the nearby commercial uses.

ZONING DISTRICT STANDARDS

Sec. 110-146. M-1, Light Industrial District.

- (a) *Description of district.* This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the M-1 zoning district:
 - (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement and recreational facilities, indoor or outdoor (athletic/sports instruction facilities and recreation and athletic fields and facilities);
 - (3) Appliance sales and/or repair;
 - (4) Architectural and/or design firms;
 - (5) Armories, for meeting and training of military organizations;
 - (6) Blueprinting and/or graphics service;

- (7) Bookbinding;
- (8) Building construction/contracting and related activities;
- (9) Building supply sales;
- (10) Bus passenger station;
- (11) Cabinet manufacturing, sales, repair, and/or installation;
- (12) Carwash and/or detailing facility;
- (13) Charter motor coach service;
- (14) Copy shop;
- (15) Dental laboratory;
- (16) Delivery and/or courier service;
- (17) Electronic sales and/or repair;
- (18) Emission testing facility (inside only);
- (19) Engineering firms;
- (20) Engraving;
- (21) Farmer's market;
- (22) Feed and/or fertilizer sales;
- (23) Firearm sales and/or gunsmith;
- (24) Flooring sales and/or installation;
- (25) Freezer locker service;
- (26) Freight express office;
- (27) Furniture store;
- (28) Glass sales;
- (29) Grading service;
- (30) Greenhouse;
- (31) Home furnishings and accessories;
- (32) Horse show and equine activity facilities;
- (33) Ice storage;
- (34) Insecticide sales and/or storage;
- (35) Janitorial service and/or supply;
- (36) Land development firms;
- (37) Land surveying service;
- (38) Landscaping service;
- (39) Light manufacturing, including the following:
 - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;

- b. Assembly of products from previously prepared materials;
- c. Bottling and/or canning plant;
- d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
- e. Construction of signs, including painted signs;
- f. Cooperage;
- g. Ice manufacturing;
- h. Laundry, cleaning and/or dyeing plants;
- i. Light sheet metal products such as ventilating ducts and eaves;
- j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
- k. Machine/welding shop and related activities;
- l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
- m. Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.;
- n. Tinsmith and/or roofing service;
- o. Concrete, gravel and/or mulch production and/or distribution;
- (40) Locksmith;
- (41) Magazine publication and/or distribution;
- (42) Medical laboratory;
- (43) Manufactured home and/or building assembly and/or sales;
- (44) Newspaper publication and/or distribution;
- (45) Office equipment service and repair;
- (46) Parking garage/lot;
- (47) Pest control;
- (48) Petroleum bulk plant (storage);
- (49) Photostating;
- (50) Planing and/or saw mill;
- (51) Plant nursery, growing crops/garden and related sales;
- (52) Printing plant;
- (53) Radio studio;
- (54) Railroad freight station;
- (55) Railroad passenger station;
- (56) Rent-all;
- (57) Restaurants (drive-in/drive-through prohibited);

- (58) Restaurant supply;
- (59) Rodeo/rodeo facilities;
- (60) Seed sales and/or storage;
- (61) Security system service;
- (62) Shell home display;
- (63) Solar farm;
- (64) Taxidermist;
- (65) Taxi service/limousine service/shuttle service/charter motor coach service;
- (66) Television/movie studio/media productions;
- (67) Tire sales;
- (68) Trade school;
- (69) Uniform services;
- (70) Utility trailer sales and/or rentals;
- (71) Warehousing and/or distribution;
- (72) Wholesaling;
- (73) Wrecker, towing, impoundment, and/or automotive recovery/transport; and
- (74) Vehicle/boat sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the M-1 zoning district provided that all conditions specified in article V of this chapter are met:
 - (1) Aircraft landing area;
 - (2) Amphitheatre;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Experimental labs;
 - (5) Feed lot and/or commercial barn;
 - (6) Home occupation;
 - (7) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to, bungee and parachute jumping;
 - (8) Recycling facility;
 - (9) Self-storage facility (external and/or internal access);
 - (10) Shooting range, indoor;
 - (11) Shooting range, outdoor;
 - (12) Single-family residence and residential accessory structures and uses (see article III of this chapter);
 - (13) Stadium, athletic; and
 - (14) Wind farm.

- (d) *Dimensional requirements.* The minimum dimensional requirements in the M-1 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: 100 feet.
 2. 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 75 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: 50 feet.
 - (8) Lot coverage limit, including structure and parking area: 70 percent of total lot area.
 - (9) Screening dimensions for storage areas, loading docks and parking (see article III of this chapter and chapter 104).
- (Code 1992, § 20-6-22; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2013-20, § 3, 11-14-2013; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2020-02, §§ 12, 13, 5-28-2020; Ord. No. 2021-05, § 2, 3-25-2021; Ord. No. 2021-09, § 5, 5-27-2021)

Sec. 110-173. - Transportation corridor overlay zone.

(3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.

a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.

3. To protect the aesthetics for existing and future development in this highway corridor.

b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with [chapter 104](#).

c. *Dimensional requirements.*

1. All parking areas shall be located at least 50 feet from any state route right-of-way.

2. Setbacks will be as follows:

(i) Front yard setback on State Route 85 North: 100 feet.

(ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.

3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.

d. *Architectural standards.*

1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.

2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.

e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:

1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.

2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

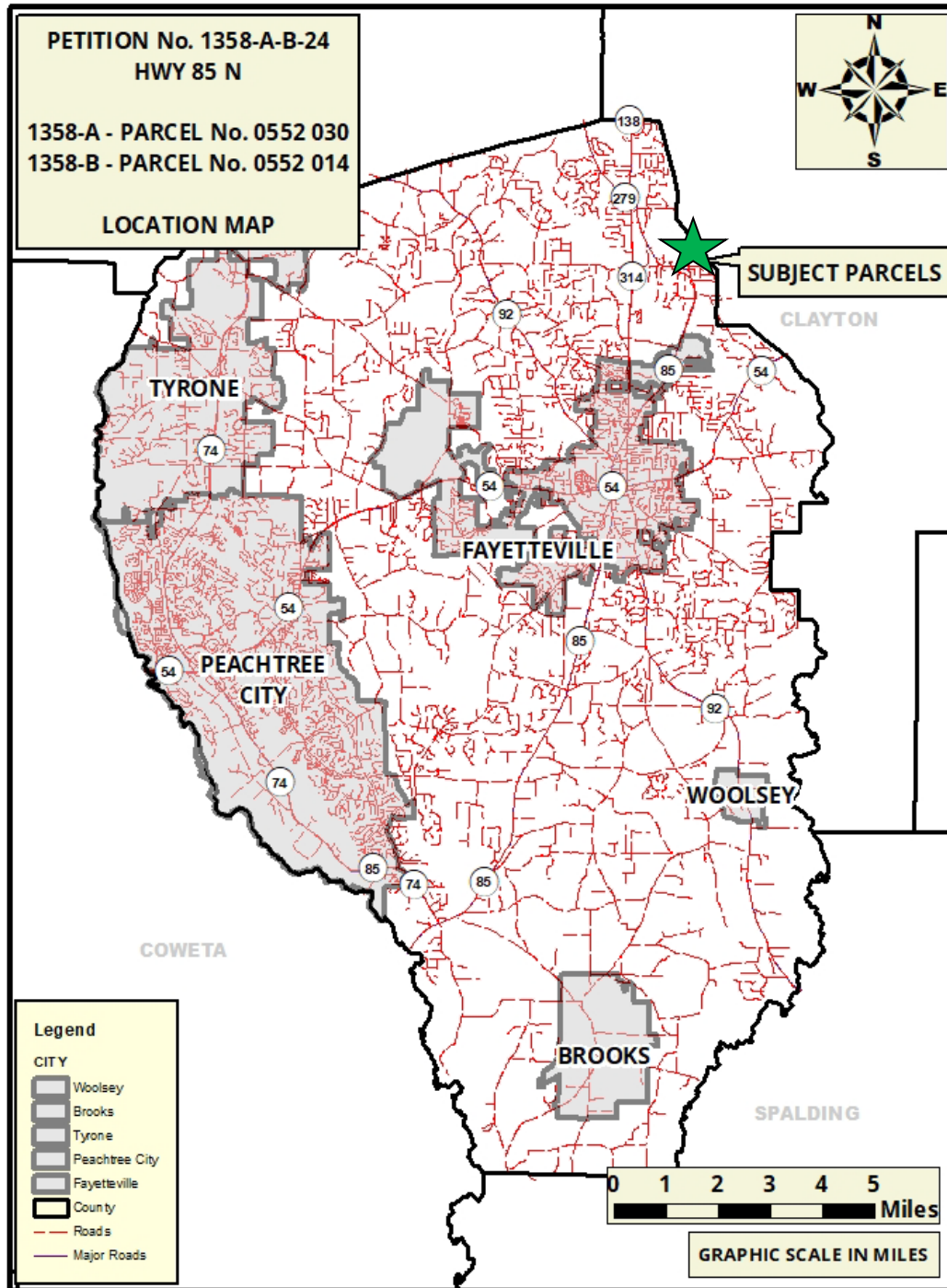
f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent

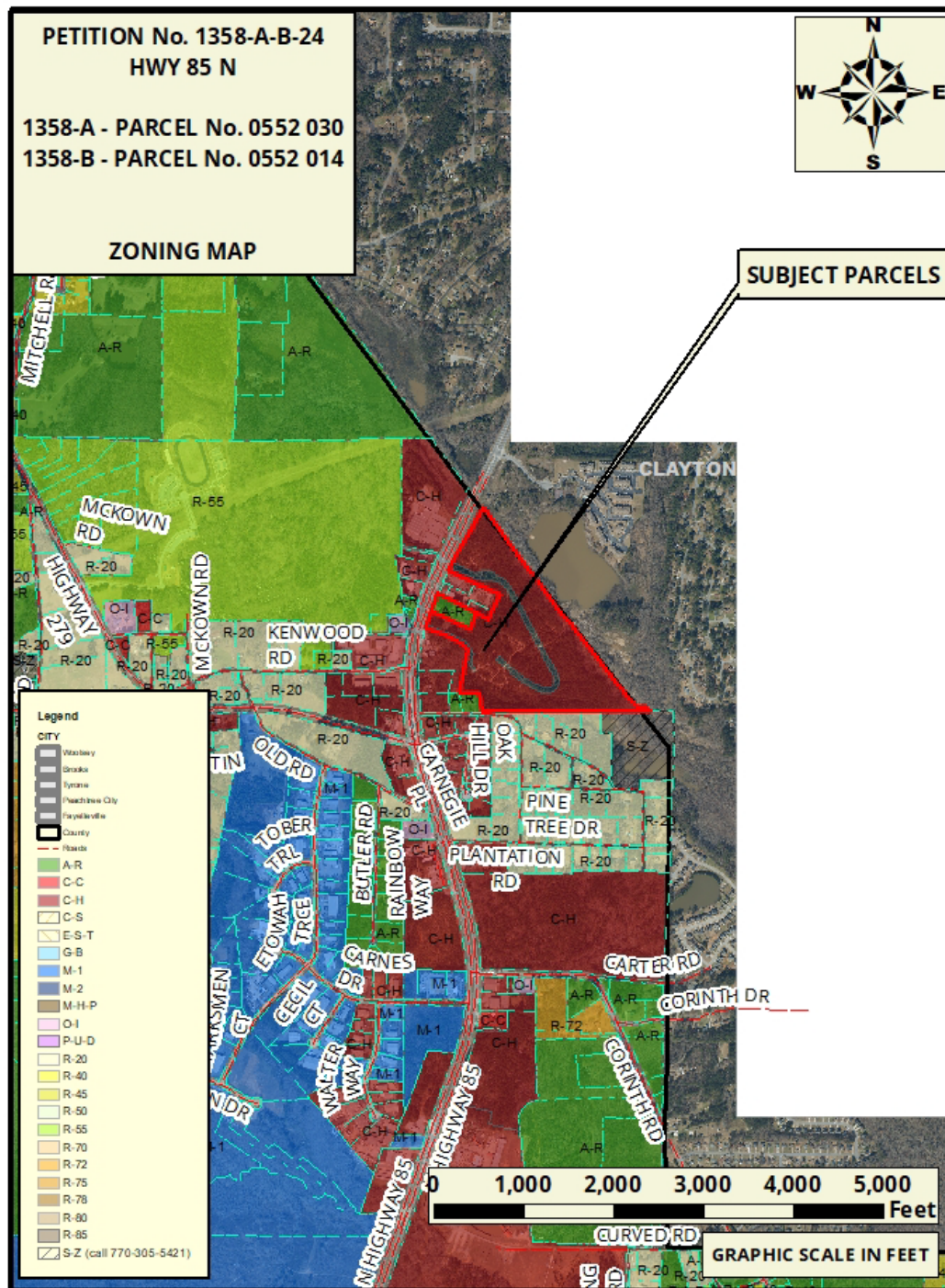
of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

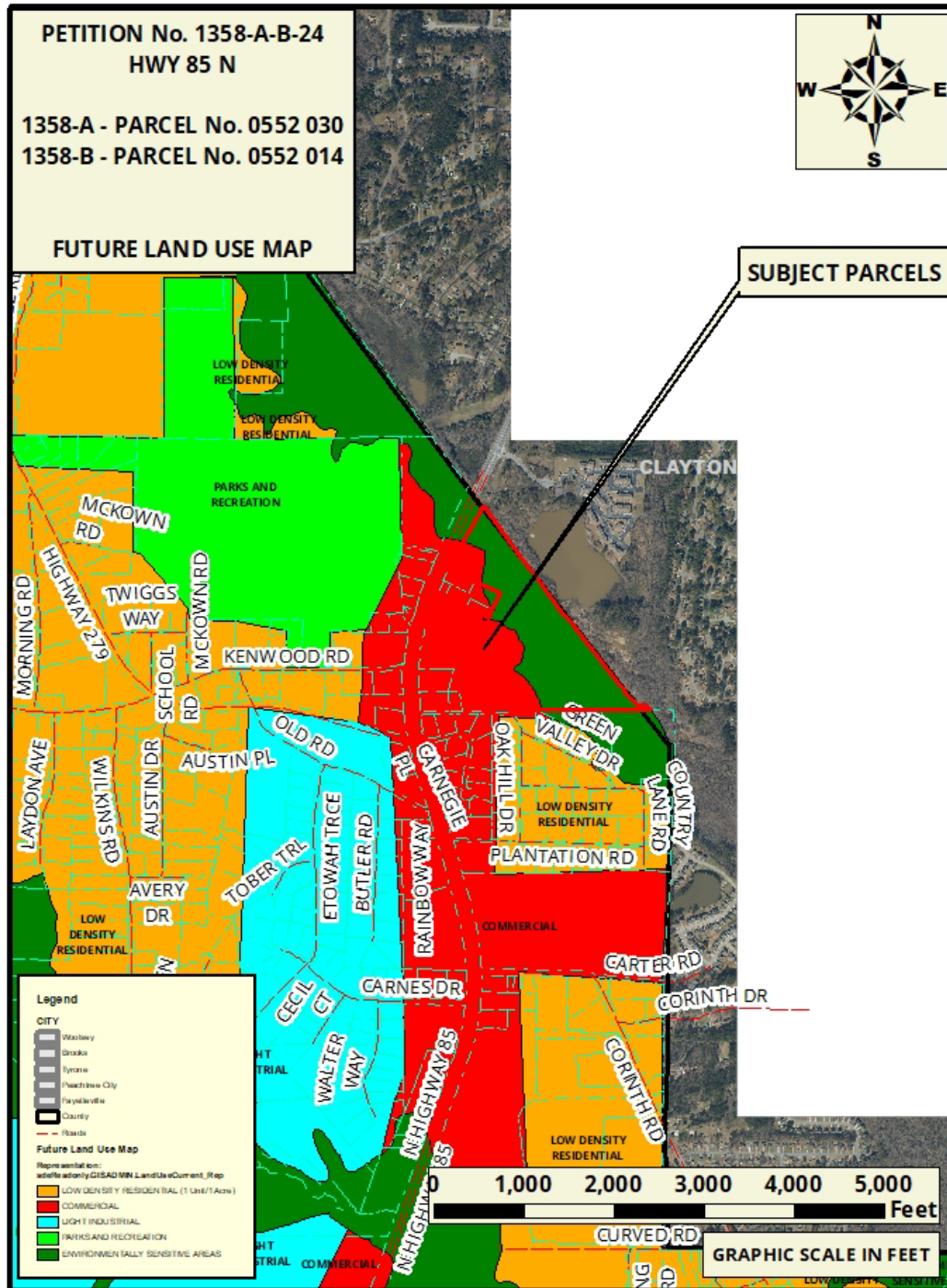
g. Lighting and shielding standards. Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

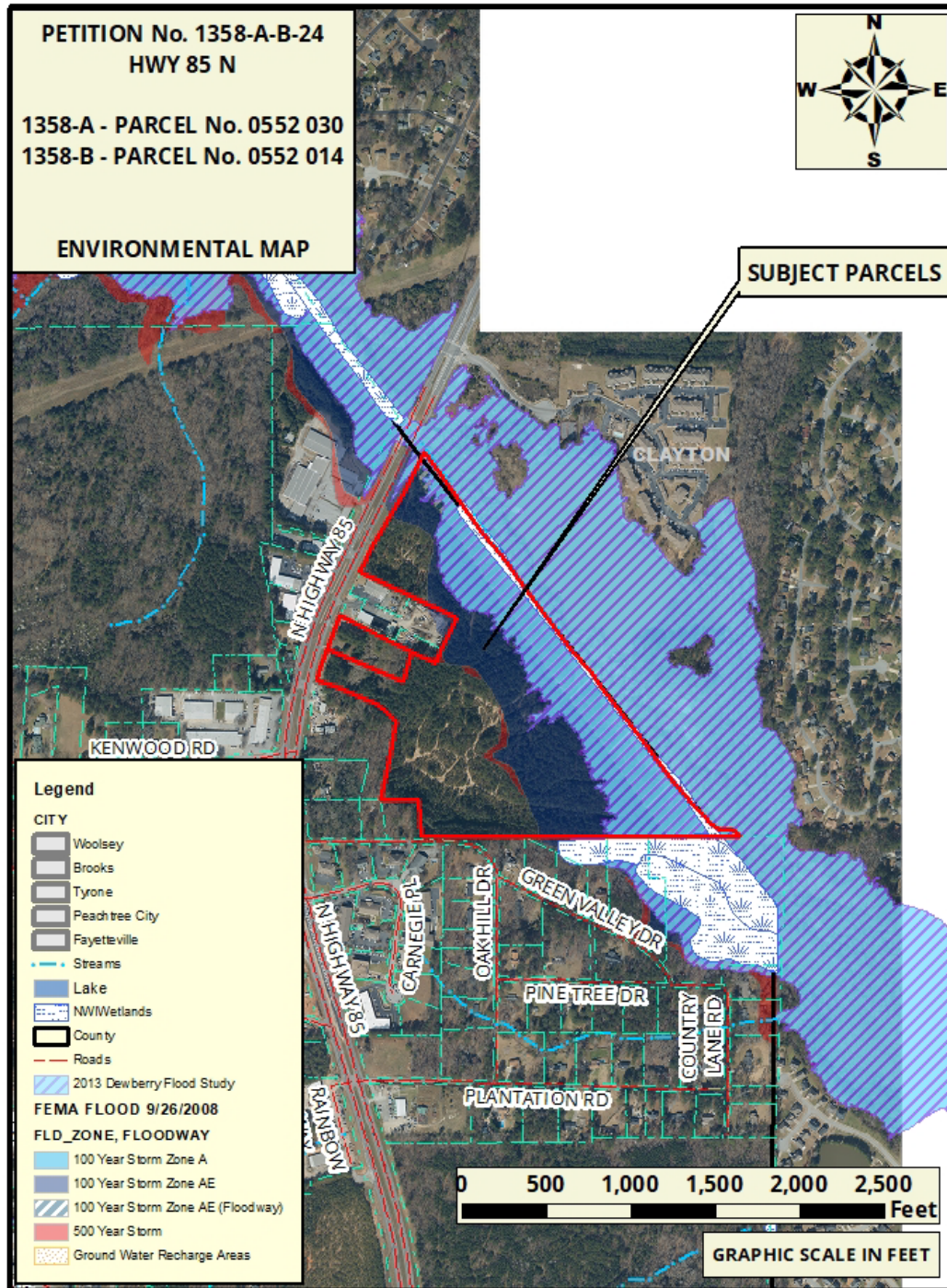
h. Special locational and spatial requirements.

1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.

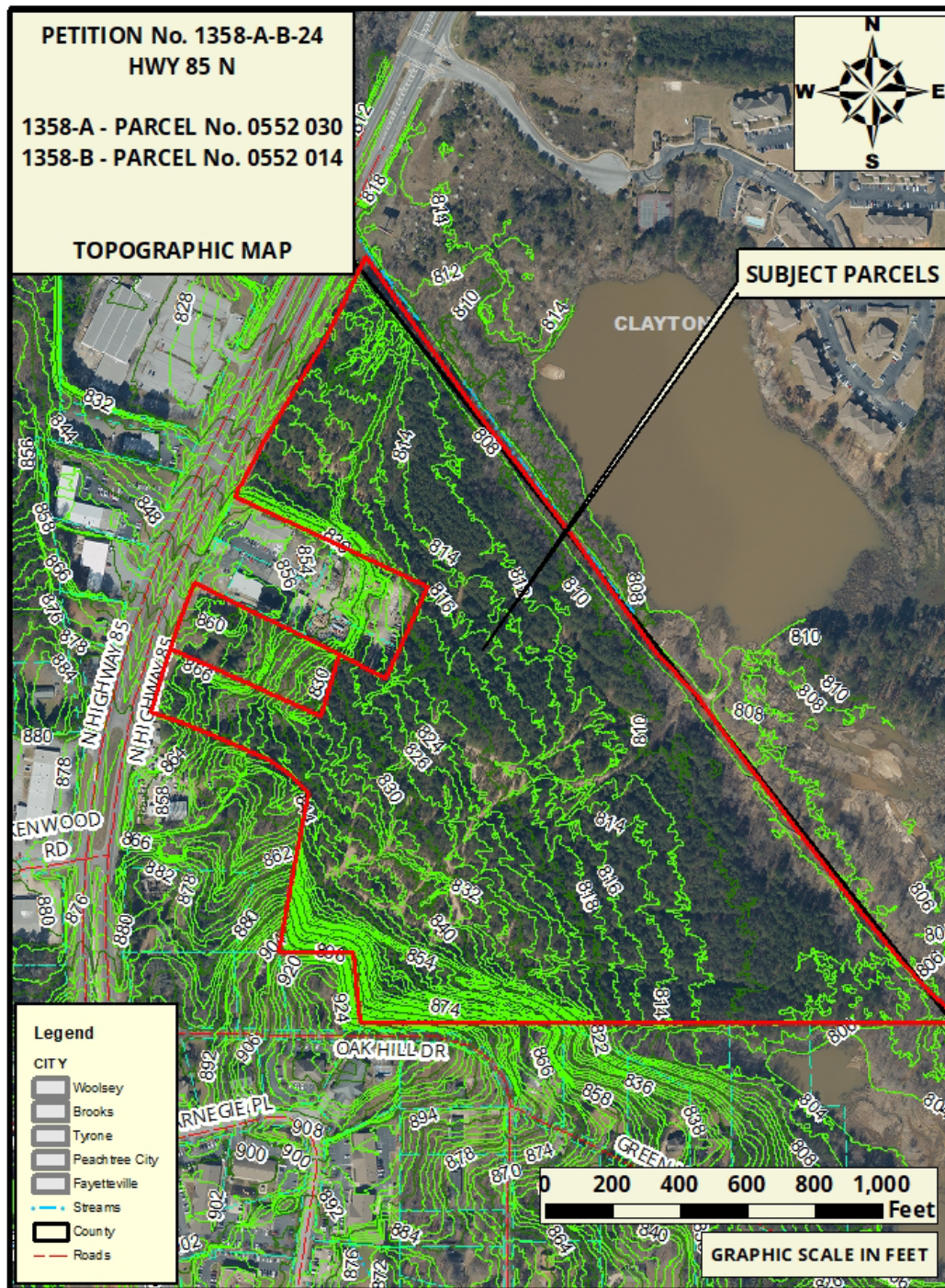


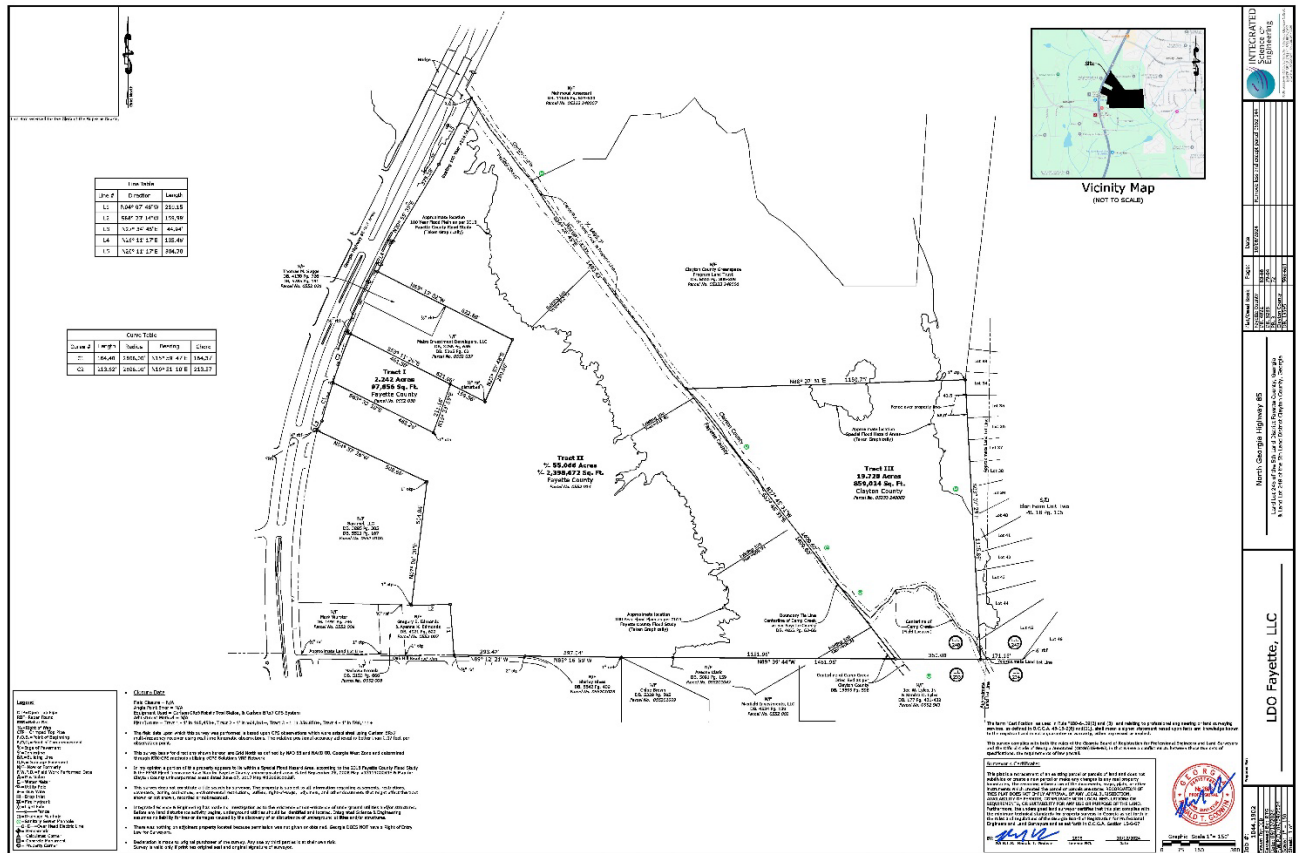




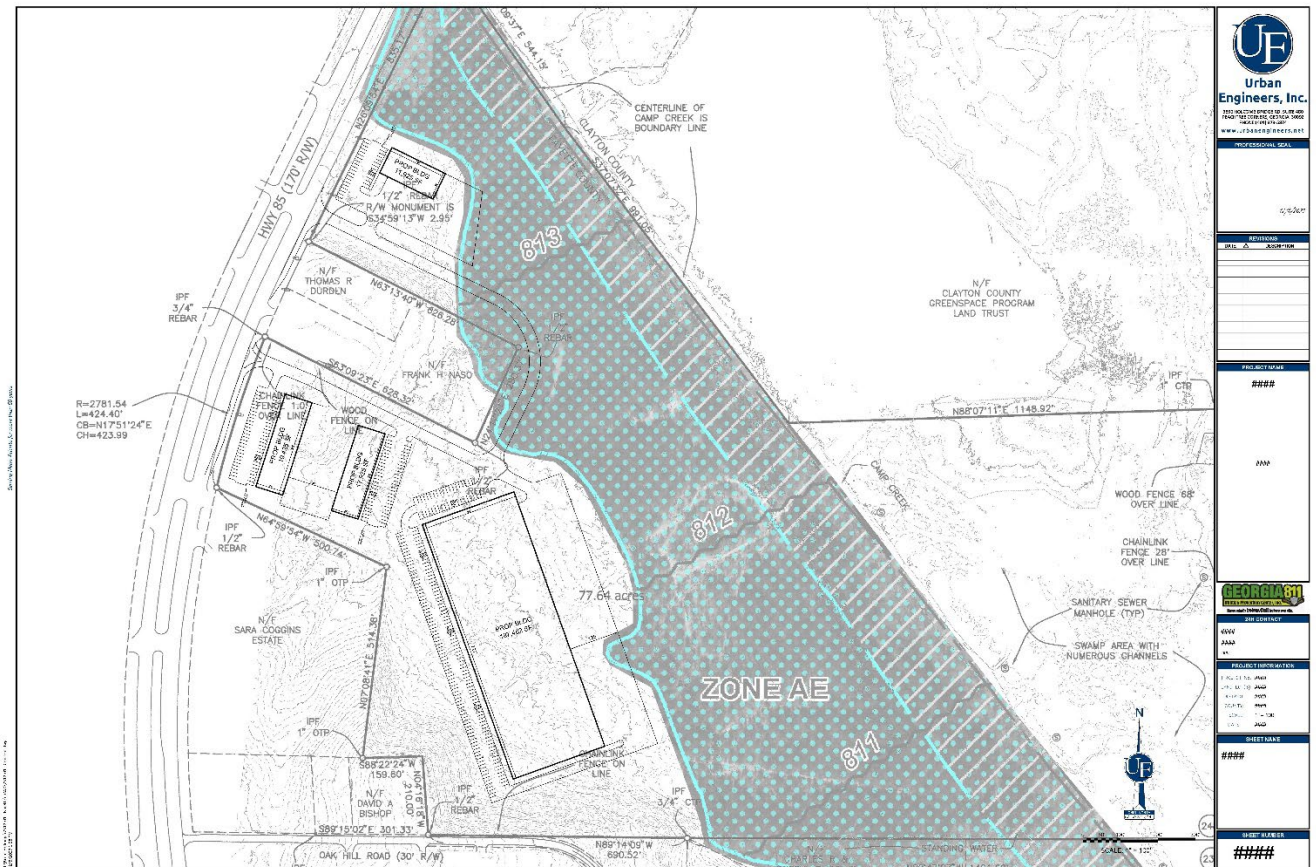








SURVEY



SITE CONCEPT

Staff Note: This concept plan has not been reviewed by staff and may not meet all requirements of the ordinance. It is for conceptual purposes only.

PETITION No (s): _____

STAFF USE ONLY

APPLICANT INFORMATION

Name Brent Holdings, LLC

Address 9008 Highway 16

City Senoia

State Georgia Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

PROPERTY OWNER INFORMATION

Name LDO Fayette, LLC (f/k/a Brent-Fayette, LLC)

Address 9008 Highway 16

City Senoia

State Georgia Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

AGENT(S) (if applicable)

Name Daniel Fields

Address 9008 Highway 16

City Senoia

State Georgia Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

Steven L. Jones,
Name Partner, Taylor English Duma LLP

Address 1600 Parkwood Circle, Suite 200

City Atlanta

State Georgia Zip 30339

Email sjones@taylorenghish.com

Phone 404-218-2756

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

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

Date Paid: _____ Receipt Number: _____

PETITION No.: 1358-24-A **Fees Due:** \$250 **Sign Deposit Due:** \$20

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0552 030 Acreage: 2.242
Land District(s): 5 Land Lot(s): 248
Road Name/Frontage L.F.: SR 85 N / 213.62' Road Classification: Major Arterial
Existing Use: Vacant Land Proposed Use: Distribution Warehouse
Structure(s): N/A Type: None Existing Size in SF: None
Existing Zoning: A-R Proposed Zoning: M-1
Existing Land Use: Agriculture-Residential Proposed Land Use: Light Industrial
Water Availability: Yes Distance to Water Line: 0 Distance to Hydrant: ~147.6'

PETITION No.: 1358-24-B **Fees Due:** \$450 **Sign Deposit Due:** \$40

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0552 014 Acreage: 55.066
Land District(s): 5 Land Lot(s): 248
Road Name/Frontage L.F.: SR 85 N / 1024.75' Road Classification: Major Arterial
Road Name/Frontage L.F.: Oak Hill Rd / 293.42' Road Classification: Internal Local
Existing Use: Vacant Land Proposed Use: Distribution Warehouse
Structure(s): N/A Type: None Existing Size in SF: None
Existing Zoning: C-H Proposed Zoning: M-1
Existing Land Use: Highway Commercial Proposed Land Use: Light Industrial
Water Availability: Yes Distance to Water Line: 0 Distance to Hydrant: ~82.5'

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:
LDO Fayette, LLC (f/k/a Brent-Fayette, LLC)

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0552 014, ~~0552 044~~, and 0552 030

(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) 248 of the 5th District, and (if applicable to more than one land district) Land Lot(s) N/A of the N/A District, and said property consists of a total of 77.64 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Daniel Fields and/or Steven L. Jones 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
9008 Highway 16, Senoia, GA 30276

Address
N/A

Signature of Property Owner 2
N/A

Address
N/A

Signature of Property Owner 3
N/A

Address

[Signature]
Signature of Authorized Agent
9008 Highway 16, Senoia, GA 30276

Address 1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339

[Signature]
Signature of Notary Public
8/12/2024

Date
N/A

Signature of Notary Public
N/A

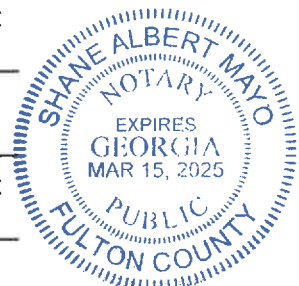
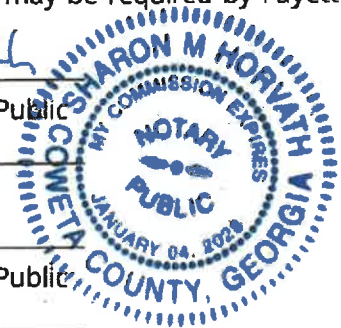
Date
N/A

Signature of Notary Public
N/A

Date
[Signature]

Signature of Notary Public
8/12/2024

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: LDO Fayette, LLC (f/k/a Brent-Fayette, LLC)

ADDRESS: 9008 Highway 16, Senoia, GA 30276

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

LDO Fayette, LLC (f/k/a Brent-Fayette, LLC) 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 ~~\$600~~ 760 to cover all expenses of public hearing. He/She petitions the above named to change its classification to M-1, Light Industrial District.

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 October 3, 2024 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of October 24, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF August, 2024

[Signature]

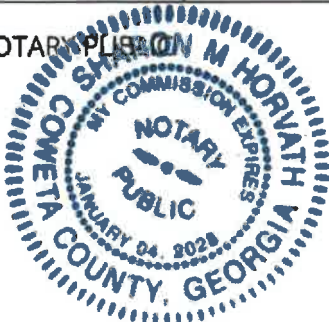
SIGNATURE OF PROPERTY OWNER

N/A

SIGNATURE OF PROPERTY OWNER

Sharon M. Horvath

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, LDO Fayette, LLC (f/k/a Brent-Fayette, LLC), said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 100 feet of right-of-way along Georgia State Route 85 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 12th day of August, 2024.



SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC



DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 9th day of August, 2024.

[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

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DISCLOSURE STATEMENT

(Please check one)

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

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

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).

Steven L. Jones | Partner
Direct Dial: 678.336.7282
Cell Phone: 404.218.2756
E-mail: sjones@taylorenglish.com

October 21, 2024

VIA EMAIL: tsmith@fayettecountyga.gov & dbell@fayettecountyga.gov

Board of Commissioner of Fayette County, Georgia (the “BOC”)

c/o Tameca P. Smith, MBA, CMC, County Clerk &

Deborah Bell, RLA, Director, Community Development Department

140 Stonewall Avenue, West

Suite 100

Fayetteville, Georgia 30214

Re: Fayette County Parcel Identification Numbers (“TPNs”): 0552 030 and 0552 014 (collectively, the “Property”) owned by LDO Fayette, LLC (f/k/a Brent-Fayette, LLC) (the “Owner”); to-be-assigned Rezoning Petition Nos. (collectively, the “Application”) of Brent Holdings, LLC (the “Applicant”).

Dear Mmes. Bell and Smith:

This letter serves to convey the enclosed letter of intent for the above-referenced Application as well as standard, and procedurally required constitutional and *York* objections. Please ensure that all enclosures are included with the files for the Application and presented to the Fayette County Board of Commissioners (the “BOC”) prior to their final vote on the Application.

Should you have any questions/concerns regarding this letter, its attachments/enclosures, and/or the Application, please do not hesitate to contact me.

Sincerely,



Steven L. Jones

Enclosures

cc: Applicant

Narrative and Site Plan Submission:
Rezoning Application

Highway 85 & the Fayette County/Clayton County Line
Fayette County, Georgia

Property:

Fayette County Tax Parcel Numbers
0552 014 and 0552 030

Applicant:

Brent Holdings, LLC

c/o

Daniel Fields
270 North Jeff Davis Drive
Fayetteville, Georgia 30214
(770) 461-0478
dfields@brentholdings.net

&

Steven L. Jones
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
(404) 218-2756
sjones@taylorenghish.com

I. INTRODUCTION

Brent Holdings, LLC (the “Applicant”) respectfully requests the rezoning of two (2) parcels (the “Property”) more particularly described in its Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”). The Applicant is the contract purchaser of the Property and will be acting as the agent on behalf of the owner, LDO Fayette, LLC (the “Owner”).

The Property consists of Fayette County Tax Parcel Identification Numbers 0552 014 and 0552 030 and is 57.308 +/- acres. The Property fronts on and is accessed via Georgia State Route (i.e., “Highway”) 85 at the Fayette County and Clayton County line (“Property”).

The Property is currently zoned C-H, Highway Commercial District (“CH”). The Application seeks to rezone the Property to the M-1, Light Industrial District (“M-1”) to develop a commerce-industry complex with small business buildings ranging in size from approximately 12,000 square feet to 20,000 square feet and a distribution warehouse of approximately 260,000 square feet to the rear of the Property. The larger building is suitable for subdivision so that it can accommodate industries and business with various space requirements.

The proposed development is shown on the illustrative concept plan submitted with the Application. Please note that the concept plan submitted with the Application is conceptual in nature and subject to final engineering as well as the requirements of the business and industries that desire to locate and operate in Fayette County on the Property.

In order to accomplish the proposed development, which will drive economic development, retain jobs in Fayette County, and locate industry on a state route, the Applicant has submitted the Application.

II. ANALYSIS OF REZONING FACTORS

As demonstrated below, the Application satisfies the exclusive factors for rezoning set forth in Section 110-300 of The Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), which is codified at Chapter 110 of The Code of Fayette County, Georgia. Below, each such factor is restated and is followed by the Applicant’s analysis of each factor.

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

The Fayette County Comprehensive Plan 2017-2040 (the “Comp. Plan”) designates the Property as being within a **“Nonresidential Corridor Area,”** which generally fronts state routes north of Fayetteville, Georgia. (Comp. Plan pp. GC-11, GC-21). In this area, the Comp. Plan anticipates “a large amount of nonresidential development (office, commercial[,] and industrial) . . . on both sides of a roadway.” (Comp. Plan. P. GC-11). “[A]pplicable zoning districts for this area based on the underlying land use category depicted on the Future Land Use Plan include . . . M-1, Light Industrial District.” (*Id.*).

The Property is identified on the Future Land Use Map (“FLUM”) within the Comp. Plan as being within the Commercial FLUM designation. And, the Comp. Plan identifies as a subset of properties within the Commercial FLUM designation that are along “SR 85 North of Fayetteville.” (*Id.*, p. L-11). **Specifically, this area on “SR 85 North of Fayetteville” and in which the Property is located, is “[a] nonresidential corridor [that] extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.”** (*Id.*). Additionally, while “[t]he existing transportation pattern does not support large scale . . . warehousing or manufacturing uses, [which] traditionally, require more immediate access to an interstate systems, . . . **Fayette County will continue to receive interest from smaller commercial and industrial uses.”** (*Id.* at p. L-14). **That is exactly what the application proposes: small industrial uses of various sizes.**

To that end, the vast majority of industrial property used for industrial purposes within unincorporated Fayette County is along State Route 85. (Comp. Plan, pg. L-4 to L-5 (“The majority of industrial activity is centered north of Fayetteville along SR 85 North (BFI Landfill property, numerous auto salvage facilities, and Kenwood Business Park) and SR 314 (Lee Center).”).

Unfortunately, the Property remains undeveloped under its current zoning classification. Given that the Property remains undeveloped in its current state, a commerce-industry complex that is consistent with other uses along the corridor and the Comp. Plan would be appropriate and provide an opportunity for new development as service industries, small businesses, and industrial users are actively looking for space along the corridor given its access to Interstate 75. Although the Property’s Future Land Use Map (“FLUM”) designation of commercial does not typically correspond to the requested M-1 zoning district, the Comp. Plan makes clear that the Property is appropriate for the type of commercial-industrial development proposed by the Application. Additionally, a change in this zoning district, which is consistent with other zoning districts in the overall corridor and the Comp. Plan, would provide an opportunity for development on property that has remained undeveloped over a fifteen (15) year period in which economic tailwinds have encouraged development.

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

As previously mentioned, the Comp. Plan identifies the corridor that extends from the city limits of Fayetteville north to the county line as non-residential with opportunities for both commercial and light industrial development. The Property is bordered to (a) northwest and west by SR 84 and properties used for heavy commercial (and potentially light industrial) uses; (b) northeast and east by Camp Creek, the common boundary between Fayette County and Clayton County, and undeveloped property owned by the Clayton County Board of Commissioners, the Owner, and a third party; and (c) to the south by estate residential properties fronting on Oak Hill Drive and Green Valley Drive.

Evaluating the overall mix of uses in the identified corridor and the area in unincorporated Fayette County around the Property, there exists light heavy commercial/industrial, low-density residential, and commercial uses. Adjacent to the low-density residential properties—in other

words, along the southern border of the Property—there will be a seventy-five-foot (75') buffer that will ameliorate any incompatibility between the two uses. Additionally, as shown on the concept plan, activity areas of the development—i.e., the truck court and loading docks—face away and are on the side of the building opposite from the low-density residential uses. Given the existing uses in this area, the Applicant's proposed rezoning will complement, enhance, and be consistent with the current mixture of uses in that area. Thus, the requested rezoning will not decrease the value of surrounding properties. Rather, the development proposed by the Application will have a positive impact upon surrounding properties and their values.

(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;

The Application, if approved, would not result in a use which would or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools. As noted above, the Comp. Plan envisions properties within the SR 85 corridor north of Fayetteville as being used for small commercial and industrial uses and acknowledges that SR 85 is intended and constructed for major thoroughfare traffic, including traffic towards interstate I-75. Given the extensive development along SR 85 and the availability of utilities, the Application, if approved, would not create an excessive or burdensome use of existing or planned utilities. Finally, the use will not impact schools as it will not affect the number of students utilizing existing or planned 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.

Based on its size and location, the Property is suitable for a small business commerce-industry complex with a combination of various building sizes that would be well situated for businesses and industries desiring to operate in Fayette County with convenient access to Interstate 75. The development trend around the Property, as noted by the Comp. Plan and above is consistent with the development proposed by the Application.

The Property's existing C-H zoning has rendered the Property without a market for an economically viable development. As a result, the present C-H zoning assigned to, and the undeveloped state of, the Property does not benefit the County. Therefore, the proposed rezoning would provide an opportunity for development of a commerce-industry complex that would generate economic benefits (i.e., jobs and tax revenue) to the County that are currently not being generated. Additionally, the proposed rezoning would not pose a threat to the public health, safety, morals, or general welfare of the public, and there is no gain to the public for this property to continue to remain as presently zoned and undeveloped.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Fayette County Board of Commissioners approve the Application as requested by the Applicant with only conditions consented to by the Application. If there are any questions about this application, you may contact me at 770-461-0478 or dfields@brentholdings.net.

IV. PRESERVATION OF RIGHTS

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

Sincerely,

/s/ Daniel Fields

DANIEL FIELDS &
STEVEN L. JONES

EXHIBIT “A”

CONSTITUTIONAL OBJECTION

As applied to the real property of LDO Fayette, LLC (the “Owner”), which is identified as Fayette County Tax Assessor Parcel No(s): 0552 014 and 0552 030 (collectively, the “Subject Property”) and is the subject of the previously-filed rezoning application (the “Application”) of Brent Holdings, LLC (the “Applicant”), and facially, the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) is unconstitutional in that the Applicant’s (and the Owner’s) property rights in and to the Subject Property have been destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property and facially, the Zoning Ordinance deprives the Applicant (and the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property, and the Zoning Ordinance facially, are unconstitutional, illegal, arbitrary, capricious, null, and void, constituting takings of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Applicant (and the Owner) of an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicant (and/or the Owner) to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance, as applied to the Subject Property, and the Zoning Ordinance facially, constitute arbitrary, capricious, and unreasonable acts by Fayette County, Georgia without any rational basis therefor and constitute abuses of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property and the Zoning Ordinance facially are unconstitutional and discriminate against the Applicant (and the Owner) in arbitrary, capricious, and unreasonable manners between the Applicant (and the Owner) and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America.

Failure to approve the Application, with only those conditions consented to by the Applicant, would be unjustified from a fact-based standpoint and instead would result only from

EXHIBIT “A”

constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983.

WHEREFORE, the Applicant and the Owner request that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein, with only conditions consented to by the Applicant.

Respectfully submitted this 21st day of October 2024.

TAYLOR ENGLISH DUMA LLP
Counsel for Applicant/Owner

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle
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Atlanta, Georgia 30339
(678) 336-7282
sjones@taylorenghish.com

EXHIBIT “B”

OBJECTION TO AND FOR ZONING HEARING BASED ON YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to Brent Holdings, LLC (the “Applicant”) and the real property of LDO Fayette, LLC (the “Owner”), which is identified as Fayette County Tax Assessor Parcel No(s): 0552 014 and 0552 030 (the “Subject Property”) and is the subject of the previously-filed rezoning application regarding the Subject Property (the “Application”) of the Applicant, any and every public hearing regarding, and any Board of Commissioners of Fayette County, Georgia (“BOC”) action (including, but not limited, any final action) on, the Application, and the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) facially and as applied to the Subject Property, the Applicant, the Owner, and the Application, are objected to by Applicant and Owner based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant and Owner are filing a Constitutional Objection, and all Objections set forth therein are incorporated herein by reference as if fully restated. The Applicant and Owner object to any and every public and other hearing(s) regarding the Application, including, but not limited to, those before the BOC and/or the Planning Commission of Fayette County Georgia (the “Planning Commission”), because the time limitation, if any, imposed on the presentation of evidence and testimony in support of, as well as in rebuttal to opposition evidence, comments, and/or testimony to, the Application deprive the Applicant and Owner a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983. Likewise, the Applicant and Owner object to any and all members of the public (and/or other persons) who appear (or otherwise give testimony and/or opinion) at any and all public hearing(s) and other meetings, including, but not limited to, before the BOC and/or the Planning Commission to the extent that (but not limited to) said individuals (a) do not have standing to appeal the BOC’s decision on the Application (i.e., do not satisfy the substantial interest-aggrieved citizen test); (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion testimony without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for consideration of the Application set forth in the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”); (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; and/or (g) fail to disclose any and every campaign (or other) contribution to any member of the BOC.

Additionally, the Applicant and Owner object to any BOC action that does not approve the Application or approves the Application with conditions not consented to by the Applicant and any other action of the County and/or the Planning Commission to the extent that (but not limited to) such action is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in

EXHIBIT “B”

excess of the constitutional, statutory, and/or ordinance authority of the Planning Commission and/or BOC; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and/or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) contrary to the report(s) and recommendation(s), to the extent the Applicant consents to the conditions thereof, of (1) the Fayette County, Georgia Department of Planning and Zoning (or any assigns thereof); (2) the Fayette County Planning Commission; and/or (3) any other Department or agency of Fayette County, Georgia or the State of Georgia; (c) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; (d) contrary to, or based, in whole or in part, on factors or considerations other than, the exclusive factors or procedure for consideration of the Application set forth in the Zoning Ordinance; (e) based, in whole or in part, on evidence and/or information received by the BOC (1) outside of the public hearing on the Application; (2) by *ex parte* or other similar means; and/or (3) otherwise in a manner which does not afford the Applicant a right to respond to or otherwise confront all evidence considered by the BOC in its evaluation of the Application; (f) otherwise not made pursuant and in conformance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America; and/or (g) pursuant to an ordinance, resolution, zoning map, and/or the like not adopted in compliance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America, which the Applicant contends is the case for the applicable ordinances, resolutions, and maps, including, but not limited to, the Zoning Ordinance.

By and through this *York* Objection, the Applicant and Owner hereby preserve all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered at any hearing, and/or prior to the BOC’s final action, on the Application, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the BOC.

WHEREFORE, the Applicant and the Owner request that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein, with only conditions consented to by the Applicant.

Respectfully submitted this 21st day of October 2024.

TAYLOR ENGLISH DUMA LLP
Counsel for Applicant/Owner

/s/ Steven L. Jones

Steven L. Jones
Georgia State Bar No.: 639038

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Jonesboro, GA 30236

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Fee Amt: \$158.50 Page 1 of 4
Transfer Tax: \$142.50
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4822 PG 63-66

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, made the 14th day of December, 2017, between **HERITAGE BANK**, party of the first part, and **BRENT-FAYETTE, LLC**, a Georgia limited liability company, party of the second part,

WITNESSETH That: the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other goods and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all that tract or parcel of land

See Exhibit "A" attached hereto and by reference made a part hereof.

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

The purpose of this instrument is to replace that certain Limited Warranty Deed dated December 21, 2017, between the parties herein which was lost or misplaced prior to recording.

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 party of the second part, his heirs and assigns, forever, in **FEE SIMPLE**.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

HERITAGE BANK

BY: Dondra Clark (Seal)
NAME: Dondra Clark
TITLE: First Vice President

Signed, sealed and delivered in the presence of:

Brenda Kemp
Unofficial Witness
Renee Graham
Notary Public

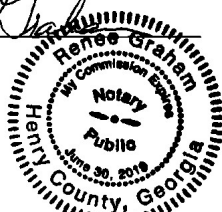


EXHIBIT "A"

TRACT ONE

All that tract or parcel of land lying and being in Land Lot 248 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the Southeasterly side of Georgia State Highway #85, said pin located 280 feet Southwesterly from the concrete right-of-way marker on the common boundary of land formerly owned by O.B. Tyler and land now or formerly owned by Oliver Coogler and Mary Ruth Coogler, as measured along the Southeasterly side of Georgia State Highway #85; running thence South 65 degrees East, 470 feet to a point; thence South 17 degrees West, 211 feet to a point; thence North 86 degrees West, 470 feet to a point on the Southeasterly side of Georgia State Highway #85; thence Northeasterly along the Southeasterly side of Georgia State Highway #85, 211 feet to an iron pin and the point of BEGINNING, together with all fixtures and personal property attached to and constituting a part of said property, and replacements and additions.

TRACT TWO

All that tract or parcel of land lying and being in Land Lot 248 of the 5th District of Fayette County, Georgia, being 56.164 acres, more or less, as depicted per survey prepared for Dan Stinchcomb by Kenneth Edward Presley, Registered Land Surveyor, dated July 27, 1984, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the southeasterly right-of-way of Georgia State Route Number 85 with the centerline of Camp Creek; thence proceed in a southeasterly direction along the centerline of Camp Creek; and with the meanderings thereof, to a point located at the intersection of the centerline of Camp Creek with the southern boundary of Land Lot 248 (this last call is represented by a chord direction of South 37° 32' 52" East for a chord distance of 2,825.96 feet); thence proceed along the southerly boundary of Land Lot 248, North 89° 46' 24" West for a distance of 1,606.0 feet to an iron pin set; thence continue along the southern boundary of Land Lot 248 North 89° 48' 00" West for a distance of 196.4 feet to an iron pin found; thence proceed North 04° 48' 14" West for a distance of 204.9 feet to an iron pin set; thence proceed South 89° 43' 10" West for a distance of 159.6 feet to an iron pin found; thence proceed North 06° 41' 12" East for a distance of 514.27 feet to an iron pin found; thence proceed North 65° 26' 16" West for a distance of 500.61 feet to an iron pin found on the southeasterly right-of-way of Georgia State Route Number 85; thence proceed along the southeasterly right-of-way of Georgia State Route Number 85, North 14° 50' 00" East for a distance of 208.94 feet to an iron pin found; thence proceed South 63° 37' 39" East for a distance of 473.26 feet to an iron pin found; thence proceed North 19° 09' 53" East for a distance of 211.37 feet to an iron pin found; thence proceed South 68° 11' 40" East for a distance of 158.78 feet to an iron pin set; thence proceed North 23° 39' 12" East for a distance of 280.00 feet to an iron pin set; thence proceed North 64° 42' 48" West for a distance of 627.00 feet to an iron pin found on the southeasterly right-of-way of Georgia State Route Number

EXHIBIT "A" CONTINUED

85; thence proceed along the southeasterly right-of-way of Georgia State Route Number 85, North 25° 37' 08" East for a distance of 830.0 feet to a point located at the intersection of the southeasterly right-of-way of Georgia State Route Number 85 with the centerline of Camp Creek, being the point of BEGINNING, all according to the aforementioned survey, together with all fixtures and personal property attached to and constituting a part of said property, and replacements and additions.

Less and Except:

All that tract or parcel of land lying and being in Land Lot 248 of the 5th Land District of Fayette County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at the intersection of the southerly right-of-way of Stetson Circle (a proposed 60 foot right-of-way) with the easterly right-of-way of Georgia State Highway 85 (a 180 foot right-of-way), thence proceed in a northeasterly, easterly and southeasterly direction along the southerly and southwesterly right-of-way of Stetson Circle a distance of 1,301.6 feet to a point, such point being the POINT OF BEGINNING; thence proceed south 33° 23' east along the southwesterly right-of-way of Stetson Circle a distance of 37.36 feet to a point, thence proceed north 56° 37' east a distance of 60.0 feet to a point, thence proceed south 33° 23' east along the northeasterly right-of-way of Stetson Circle a distance of 11.74 feet to a point, thence proceed in a southeasterly direction along the northeasterly right-of-way of Stetson Circle a chord distance of 101.559 feet, and an arch distance of 101.571 feet to a point, thence proceed south 30° 23' east along the northeasterly right-of-way of Stetson Circle a distance of 287.18 feet to a point, thence proceed in a southeasterly, southerly and southwesterly direction along the northeasterly, easterly and southerly right-of-way of Stetson Circle an arch distance of 363.95 feet to a point, thence proceed north 61° 26' west along the southwesterly right-of-way of Stetson Circle a distance of 423.56 feet to point, thence proceed north 28° 34' east a distance of 60.0 feet to a point; thence proceed north 33° 14' 25" east a distance of 170.9 feet to a point; thence proceed north 49° 33' east a distance of 212.0 feet to a point, such point being the POINT OF BEGINNING.

The subject tract contains a total of 4.35 acres and is fully depicted on a plat of survey entitled "Release Plat for Jerry Ballard Homes" dated December 8, 1986, and prepared by Steed and Boyd, Registered Land Surveyors. Such plat of survey is, by this reference, incorporated in and made a part hereof.

-AND-

TRACT THREE

All that tract or parcel of land lying and being in Land Lot 248 of the 5th Land District of Fayette County, Georgia, and being more particularly described as follows:

EXHIBIT "A" CONTINUED

To find the point of beginning, commence at the intersection of the southerly right-of-way of Stetson Circle (a proposed 60 foot right-of-way) with the easterly right-of-way of Georgia State Highway 85 (a 180 foot right-of-way), thence proceed in a northeasterly, easterly and southeasterly direction along the southerly and southwesterly right-of-way of Stetson Circle a distance of 1,301.6 feet to a point, such point being the point of beginning; thence proceed south 33° 23' east along the southwesterly right-of-way of Stetson Circle a distance of 37.36 feet to a point; thence proceed north 56° 37' east a distance of 60.0 feet to a point; thence proceed south 33° 23' east along the northeasterly right-of-way of Stetson Circle a distance of 11.74 feet to a point; thence proceed in a southeasterly direction along the northeasterly right-of-way of Stetson Circle a chord distance of 101.559 feet, and an arch distance of 101.571 feet to a point; thence proceed south 30° 23' east along the northeasterly right-of-way of Stetson Circle a distance of 287.18 feet to a point; thence proceed in a southeasterly, southerly and southwesterly direction along the northeasterly, easterly and southerly right-of-way of Stetson Circle an arch distance of 363.95 feet to a point; thence proceed north 61° 26' west along the southwesterly right-of-way of Stetson Circle a distance of 423.56 feet to a point; thence proceed north 28° 34' east a distance of 60.0 feet to a point; thence proceed north 33° 14' 25" east a distance of 170.9 feet to a point; thence proceed north 49° 33' east a distance of 212.0 feet to a point, such point being the point of beginning, together with all fixtures and personal property attached to and constituting a part of said property, and replacements and additions.

The subject tract contains a total 4.35 acres and is fully depicted on a plat of survey entitled "Release Plat for Jerry Ballard Homes" dated December 8, 1986, and prepared by Steed and Boyd, Registered Land Surveyors. Such plat of survey is, by this reference, incorporated in and made a part hereof.

Legal Description

Tract I

Parcel No. 0552 030

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 248, 5th District, Fayette County, Georgia, and containing 2.242 acres, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 09/12/2024 and being more particularly described as follows:

Beginning at a point on the right-of-way of Georgia State Highway 85, 1,100.25 feet southwest from the intersection formed by the southeasterly right-of-way of Georgia State Highway 85 (R/W Varies) and the centerline of Camp Creek, and being the TRUE POINT OF BEGINNING; Thence proceed South 63° 11' 26" East a distance of 461.50 feet to a ½" rebar set; Thence proceed South 19° 33' 55" West a distance of 211.16 feet to a 1" open top pipe found; Thence proceed North 63° 30' 10" West a distance of 462.26 feet to a point on the southeasterly right-of-way of Georgia State Highway 85; Thence proceed along the right-of-way of said highway 213.62 feet, along a curve, curving to right, said curve having a radius of 2808.00 feet, and a chord bearing North 19° 51' 10" East and a chord distance of 213.57 feet to a point and being the TRUE POINT OF BEGINNING;



Legal Description

Tract II

Parcel No. 0552 014

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 248, 5th District, Fayette County, Georgia, and containing \pm 55.066 acres, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 09/12/2024 and being more particularly described as follows:

Beginning at a point formed by the intersection of the southeasterly right-of-way of Georgia State Highway 85 (R/W Varies) and the centerline of Camp Creek being the TRUE POINT OF BEGINNING; Thence proceed in a southeasterly direction along the centerline of Camp Creek, and with the meanderings thereof, to a point located in the center of said creek, having a chord direction of South 36° 26' 45" East for a chord distance of 1492.43 feet to a point; Thence proceed South 37° 45' 31" East for a chord distance of 1409.60 feet to the intersection of the southern boundary of Land Lot Line 248 at the centerline of Camp Creek as referenced in Clayton County deed book 13595 page 598; Thence continuing along said Land Lot Line North 89° 39' 44" West for a distance of 1131.96 feet to a 1" rod found; Thence continuing along said Land Lot Line North 89° 16' 59" West for a distance of 397.04 feet to a 2" open top pipe found on the right-of-way of Oak Hill Road (30' R/W); Thence proceed along the right-of-way of Oak Hill Road North 89° 12' 21" West for a distance of 293.42 feet to a 1/2" rebar found; Thence leaving the right-of-way of said road North 04° 07' 46" West for a distance of 210.15 feet; Thence proceed South 88° 23' 14" West for a distance 159.99 feet to a 1' open top pipe found; Thence proceed North 07° 08' 00" East for a distance of 514.04 feet to a 1' open top pipe found; Thence proceed North 64° 57' 26" West for a distance of 500.66 feet to a point on the southeasterly right-of-way of Georgia State Highway 85; Thence proceed along the right-of-way of said highway North 27° 34' 46" East for a distance of 44.94 feet. Thence proceed along the right-of-way of said highway 164.40 feet, along a curve, curving to right, said curve having a radius of 2808.00 feet, and a chord bearing North 15° 59' 47" East and a chord distance of 164.37 feet to a point; Thence leaving the right-of-way of said highway, South 63° 30' 10" East for a distance of 462.26 feet to a 1" open top pipe found; Thence proceed North 19° 33' 55" East for a distance of 211.16 feet to a 1/2" rebar set; Thence proceed South 63° 11' 26" East for a distance of 159.56 feet to a 1/2" rebar found; Thence proceed North 23° 53' 48" East for a distance of 280.00 feet to a 1/2" rebar set; Thence proceed North 63° 13' 02" West for a distance of 622.88 feet to a point on the southeasterly right-of-way of Georgia State Highway 85; Thence continuing along the southeasterly right-of-way of said highway, North 26° 11' 17" East for a distance of 135.46 feet to point; Thence continuing along the southeasterly right-of-way of said highway, North 30° 55' 35" East for a distance of 375.28 feet to point; Thence continuing along the southeasterly right-of-way of said highway, North 26° 11' 17" East for a distance of 304.70 feet to point and the TRUE POINT OF BEGINNING



Curve #	Length	Radius	Bearing	Chord
C1	164.40'	2808.00'	N15° 59' 47"E	164.37'
C2	213.62'	2808.00'	N19° 51' 10"E	213.57'

[illegible][illegible]

FAYETTE COUNTY**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, November 7, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, December 12, 2024, at 2:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1358-24-A

Owner/Agent: LDO Fayette, LLC
(f/k/a Brent-Fayette, LLC)
Daniel Fields, Steven L. Jones,
Partner Taylor English Duma LLP,
Agents

Existing Zoning District: A-R

Proposed Zoning District: M-1

Parcel Number: 0552 030

Area of Property: 2.242 acres

Proposed Use: Light Industrial
District

Land Lot(s)/District: Land Lot 248
of the 5th District

Fronts on: N Highway 85 and Oak
Hill Road

PROPERTY DESCRIPTION

TRACT ONE 2.242 acres

(Parcel 0552 030)

ALL THAT TRACT OR PARCEL
OF LAND lying and being in Land
Lot 248, 5th District, Fayette
County, Georgia, and containing
2.242 acres, as per plat of survey
prepared by Ronald T. Godwin,
Registered Land Surveyor, dated
09/12/2024 and being more particularly described as follows: Beginning at a point on the right-of-way of Georgia State Highway 85, 1,100.25 feet southwest from the intersection formed by the southeasterly right-of-way of Georgia State Highway 85 (R/W Varies) and the centerline of Camp Creek, and being the TRUE POINT OF BEGINNING; Thence proceed South 63° 11' 26" East a distance of 461.50 feet to a 12" rebar set; Thence proceed South 19° 33' 55" West a distance of 211.16 feet to a 1" open top pipe found; Thence proceed North 63° 30' 10" West a distance of 462.26 feet to a point on the southeasterly right-of-way of Georgia State Highway 85; Thence proceed along the right-of-way of said highway 213.62 feet, along a curve, curving to right, said curve having a radius of 2808.00 feet, and a chord bearing North 19° 51' 10" East and a chord distance of 213.57 feet to a point and being the TRUE POINT OF BEGINNING.

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, November 7, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, December 12, 2024, at 2:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1358-24-B

Owner/Agent: LDO Fayette, LLC
(f/k/a Brent-Fayette, LLC)

Daniel Fields, Steven L. Jones,
Partner Taylor English Duma LLP,
Agents

Existing Zoning District: C-H

Proposed Zoning District: M-1

Parcel Number: 0552 014

Area of Property: +/-55.066 acres

Proposed Use: Light Industrial
District

Land Lot(s)/District: Land Lot 248
of the 5th District

Fronts on: N Highway 85 and Oak
Hill Road

PROPERTY DESCRIPTION

TRACT TWO +/- 50.066 acres
(Parcel 0552 014)

ALL THAT TRACT OR PARCEL OF
LAND lying and being in Land Lot
248, 5th District, Fayette County,
Georgia, and containing + .55.066
acres, as per plat of survey prepared
by Ronald T. Godwin, Registered
Land Surveyor, dated 09/12/2024
and being more particularly de-
scribed as follows: Beginning at a
point formed by the intersection
of the southeasterly right-of-way
of Georgia State Highway 85 (R/W
Varies) and the centerline of Camp
Creek being the TRUE POINT OF
BEGINNING; Thence proceed in
a southeasterly direction along
the centerline of Camp Creek, and
with the meanderings thereof,
to a point located in the center of
said creek, having a chord direc-
tion of South 36° 26' 45" East for
a chord distance of 1492.43 feet to

a point; Thence proceed South 37°
45' 31" East for a chord distance of
1409.60 feet to the intersection of
the southern boundary of Land Lot
Line 248 at the centerline of Camp
Creek as referenced in Clayton
County deed book 13595 page 598;
Thence continuing along said Land
Lot Line North 89° 39' 44" West for
a distance of 1131.96 feet to a 1" rod
found; Thence continuing along
said Land Lot Line North 89° 16'
59" West for a distance of 397.04
feet to a 2" open top pipe found on
the right-of-way of Oak Hill Road
(30' R/W); Thence proceed along
the right-of-way of Oak Hill Road
North 89° 12' 21" West for a dis-
tance of 293.42 feet to a 12" rebar
found; Thence leaving the right-of-
way of said road North 04° 07' 46"
West for a distance of 210.15 feet;
Thence proceed South 88° 23' 14"
West for a distance 159.99 feet to a
1' open top pipe found; Thence pro-
ceed North 07° 08' 00" East for a
distance of 514.04 feet to a 1' open
top pipe found; Thence proceed
North 64° 57' 26" West for a dis-
tance of 500.66 feet to a point on
the southeasterly right-of-way of
Georgia State Highway 85; Thence
proceed along the right-of-way of
said highway North 27° 34' 46"
East for a distance of 44.94 feet.
Thence proceed along the right-of-
way of said highway 164.40 feet,
along a curve, curving to right, said
curve having a radius of 2808.00
feet, and a chord bearing North 15°
59' 47" East and a chord distance
of 164.37 feet to a point; Thence
leaving the right-of-way of said
highway, South 63° 30' 10" East
for a distance of 462.26 feet to a 1"
open top pipe found; Thence pro-
ceed North 19° 33' 55" East for a
distance of 211.16 feet to a 12" re-
bar set; Thence proceed South 63°
11' 26" East for a distance of 159.56
feet to a 12" rebar found; Thence
proceed North 23° 53' 48" East for
a distance of 280.00 feet to a 12"
rebar set; Thence proceed North
63° 13' 02" West for a distance of
622.88 feet to a point on the south-
easterly right-of-way of Georgia
State Highway 85; Thence continu-
ing along the southeasterly right-
of-way of said highway, North 26°
11' 17" East for a distance of 135.46
feet to point; Thence continuing
along the southeasterly right-of-
way of said highway, North 30° 55'
35" East for a distance of 375.28
feet to point; Thence continuing
along the southeasterly right-of-
way of said highway, North 26° 11'
17" East for a distance of 304.70
feet to point and the TRUE POINT
OF BEGINNING

RDP-020-24

REQUESTED ACTION: Revise the Development Plan for The Woodlands Subdivision

PARCEL NUMBER: 0519 002

ZONING: R-45 Conditional

EXISTING USE: Undeveloped

PROPOSED USE: Residential

LOCATION: 865 S Jeff Davis Drive and Dixon Circle

LOT SIZE: 28.450 Acres

DISTRICT/LAND LOT(S): 5th District, Land Lots 88, 73

OWNER(S): Jerry M. Gable

AGENTS: Christine Flanigan

PLANNING COMMISSION PUBLIC HEARING: November 7, 2024, at 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: December 12, 2024, at 2:00 PM

REQUEST

The applicant is requesting a revision to the Development Plan for The Woodlands Subdivision to remove the undeveloped phase from the original development plan.

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.

Because this area remains undeveloped, and because the parcel is not embedded within the interior of the subdivision but has independent road access points, Staff recommends **APPROVAL** of the Revised Development Plan.

STAFF ASSESSMENT

The lot is a legal lot of record and meets or exceeds all the requirements of the R-45 zoning

district. The Woodlands subdivision was developed in phases between 1988 and 2006. Phase VII was the last phase to be built and platted. Tract D, which is the subject of this request, contains 28.45 acres. It is the last piece of the original development plan, but no infrastructure was ever installed.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property was rezoned from A-R to R-45, Conditional, on April 23, 1987. A map showing the development of the phases is included in this report.

CONDITIONS OF ZONING - Petition No. 619-87 – Approved April 23, 1987

1. To the owner's agreement to the following site development considerations:
 - a. To limit the exit/entrance on Jeff Davis Drive to no more than two (2) which will be separated by at least 700 feet.
 - b. That no lot shall have direct (driveway) access to Jeff Davis Drive.
 - c. That Dixon Circle shall not tie-in to Jeff Davis Drive or any proposed street that will tie-in to Jeff Davis Drive.
 - d. That the zoning shall be upgraded to R-45.

B. ADJACENT ZONING AND FUTURE LAND USE

Most parcels surrounding the subject property are zoned A-R; a few are R-40 and R-70. 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 (across S. Jeff Davis Rd.)	5.0; 3.5	A-R; R-45	Single-Family Residential	Low Density Residential (1 unit /1 acre)
East	100+	R-45	Single Family Residential	Low Density Residential (1 unit /1 acre)
South	100+	R-45	Single Family Residential & Agricultural	Low Density Residential (1 unit /1 acre)
West	15; 43	R-45; A-R	Single Family Residential & Agricultural	Low Density Residential (1 unit /1 acre)

C. DEPARTMENTAL COMMENTS

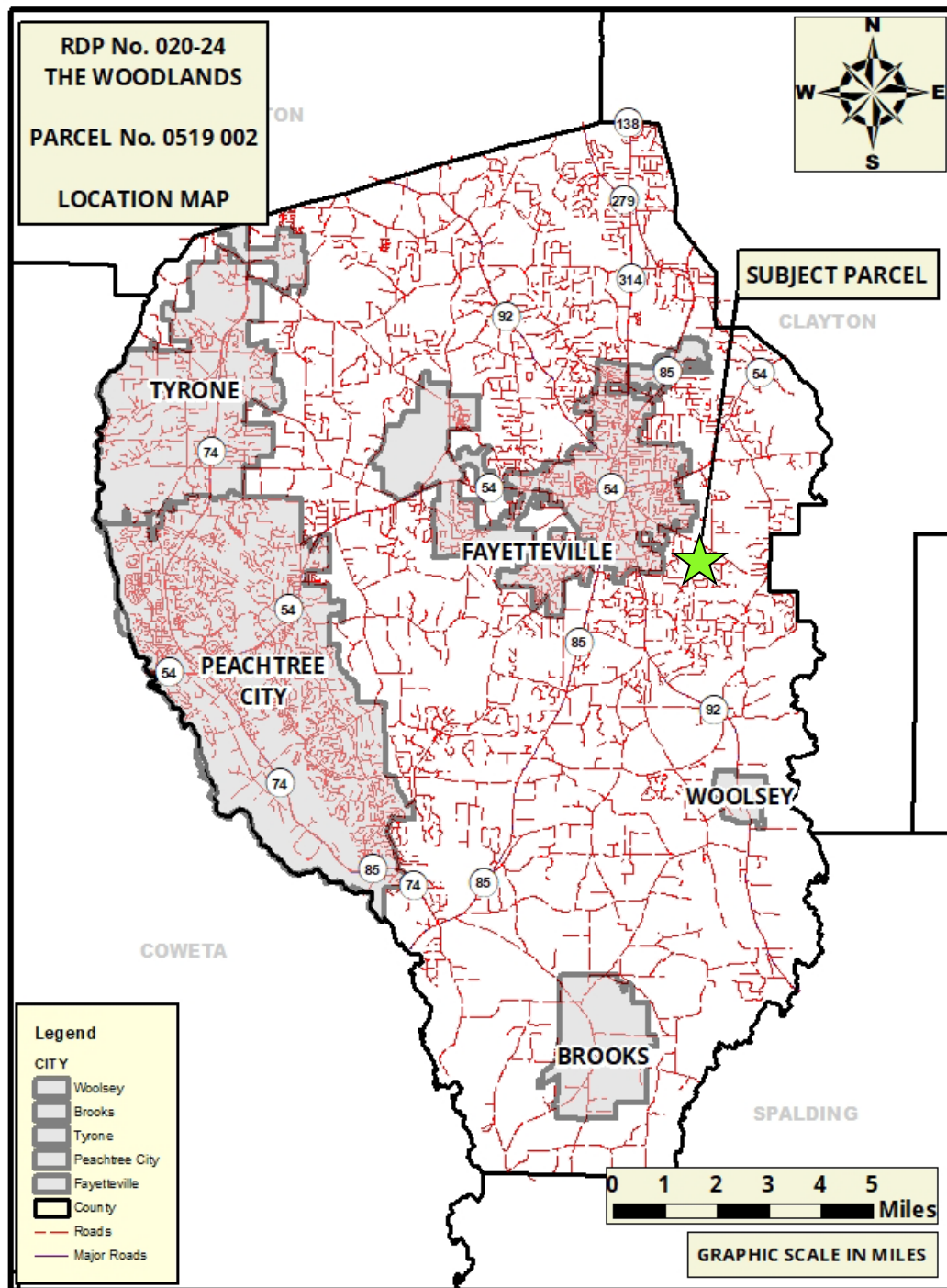
- ☐ **Water System** – No objections.

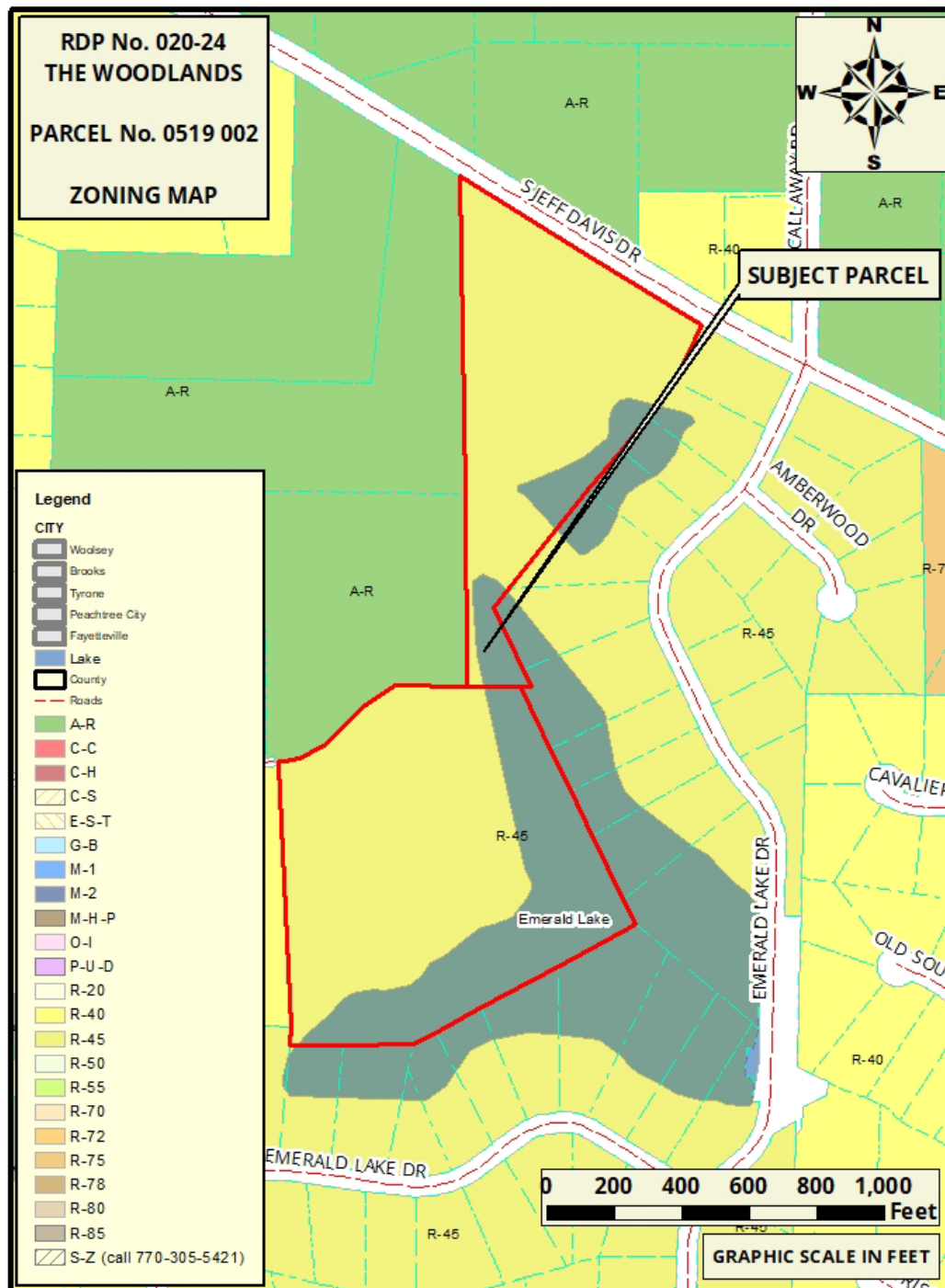
- ☐ **Public Works/Environmental Management** – Any improvements on the site must meet all regulations, including but not limited to MFPE (Minimum Finished Floor Elevations).
- ☐ **Fire** – No comments.
- ☐ **Environmental Health** - This office has no objection to the proposed revised plan. This does not constitute approval of future use or development of the property.
- ☐ **GDOT** – Not applicable, not on State Route.

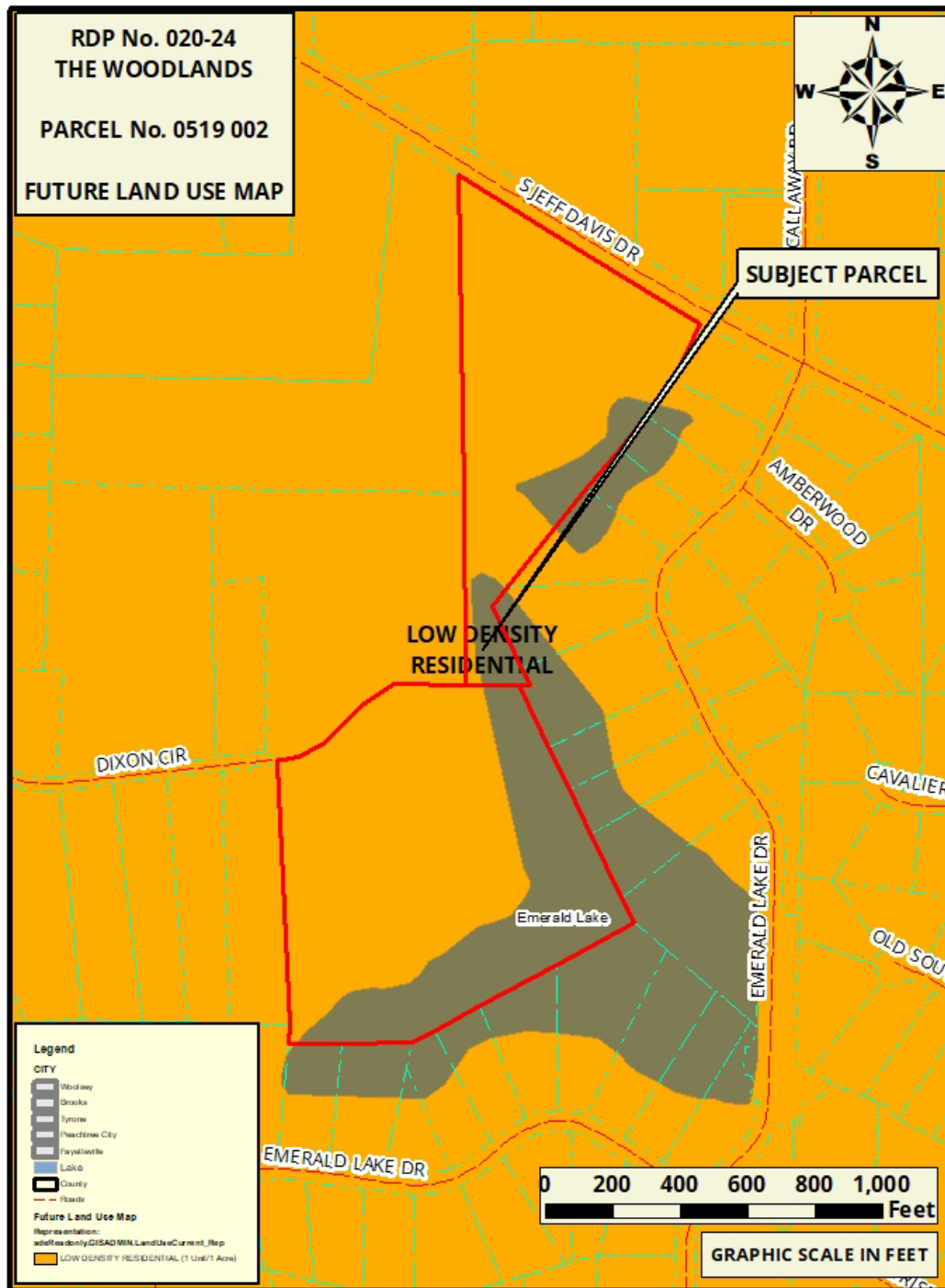
ZONING DISTRICT STANDARDS

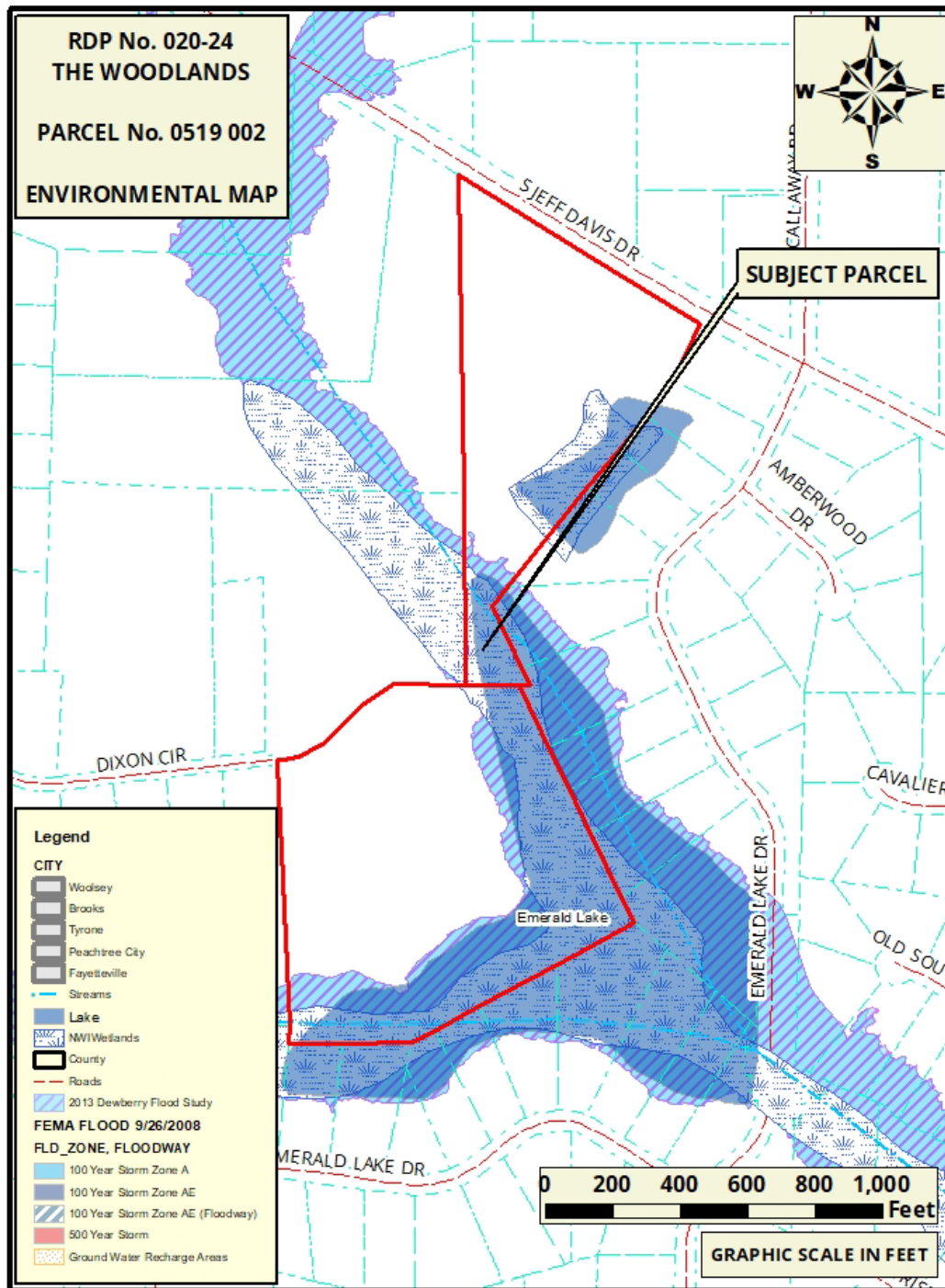
Sec. 110-136. - R-45, Single-Family Residential District.

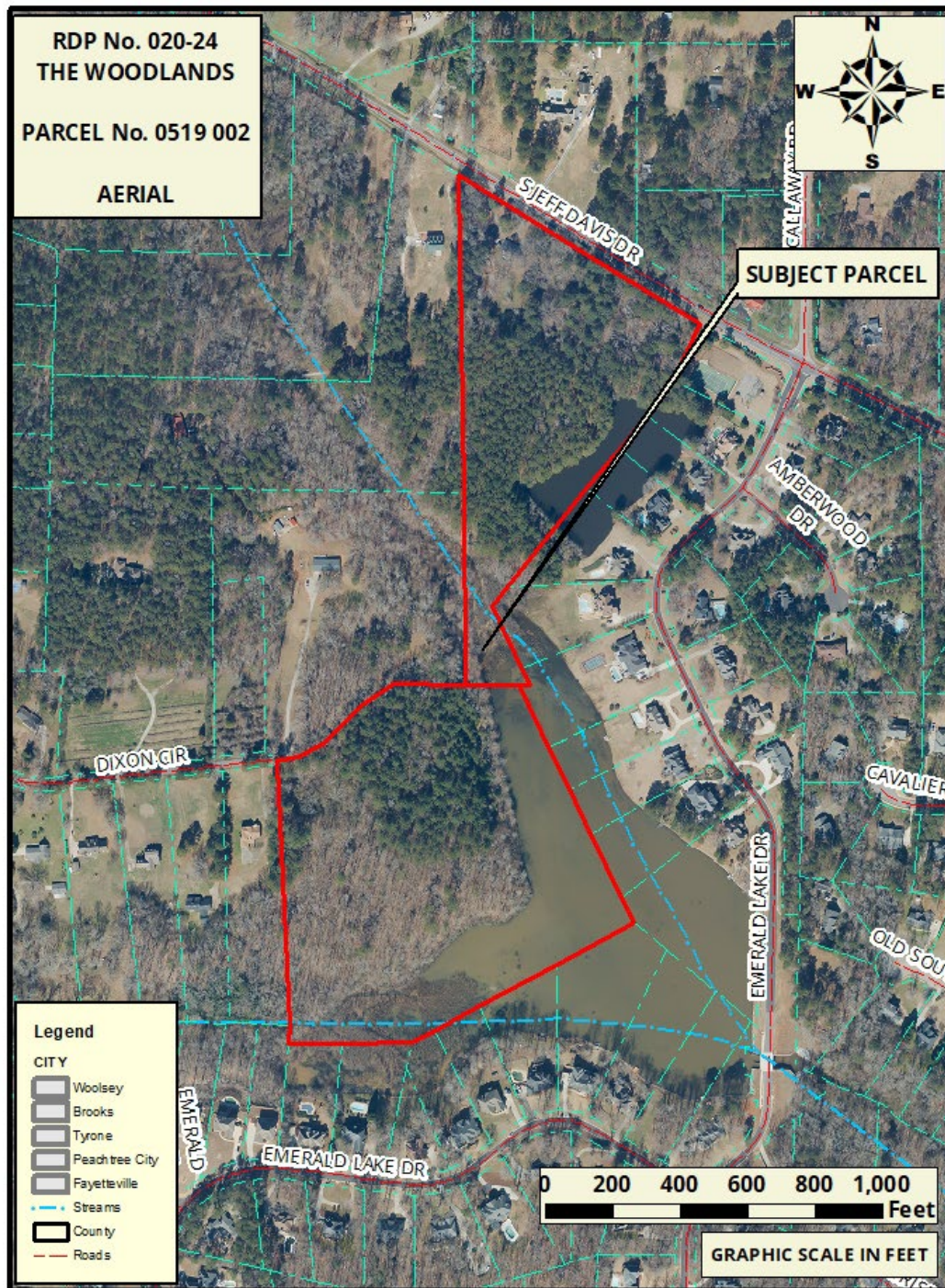
- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-45 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-45 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-45 zoning district shall be as follows:
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary nor central water distribution system is provided: 65,340 square feet (1.5 acres).
 - (2) Lot width: 125 feet.
 - (3) Floor area: 1,800 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: 40 feet.
 - (6) Side yard setback: 20 feet.



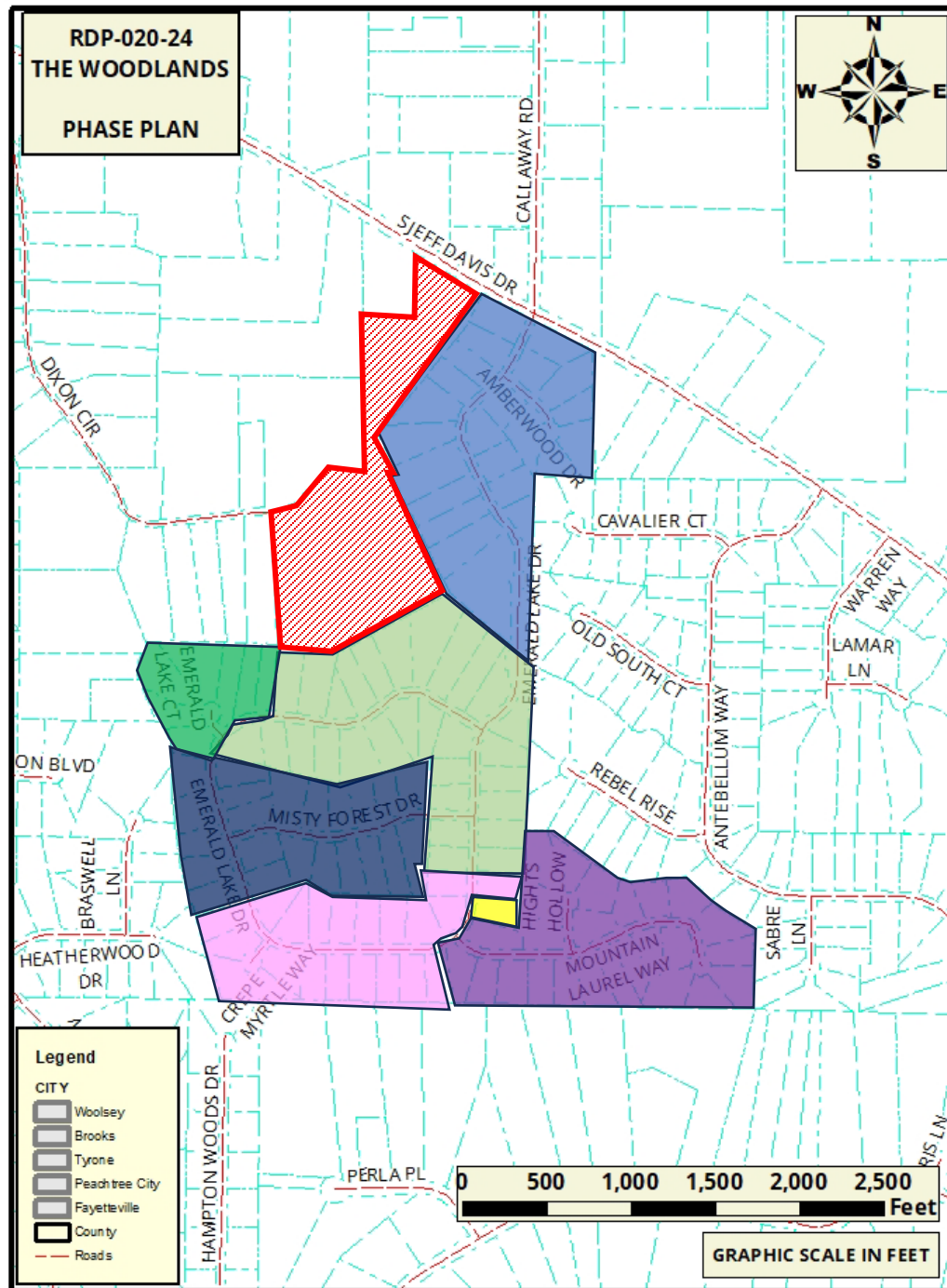












DEVELOPED PHASES 1 -7; UNDEVELOPED PHASE IN 

PETITION No (s): RDP-020-24

STAFF USE ONLY

APPLICANT INFORMATION

Name Jerry M. Gable
Address 663 Clear Creek Valley Dr
City Ellijay
State GA Zip 30536
Email _____
Phone _____

PROPERTY OWNER INFORMATION

Name Jerry M. Gable
Address 663 Clear Creek Valley Dr.
City Ellijay
State GA Zip 30536
Email [REDACTED]
Phone [REDACTED]

AGENT(S) (if applicable)

Name Christine Flanigan
Address 665 Hwy 74S, Suite 110
City Peachtree City
State GA Zip 30269
Email chris.flanigan@harrynorman.com
Phone 404-307-1654

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: October 3, 2024

DATE OF COUNTY COMMISSIONERS HEARING: October 24, 2024

Received from Christine Flanigan a check in the amount of \$ 450.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 8/9/2024 Receipt Number: _____

getting owner
affidavit notarized

Per Owner; correct acreage is 28.450 (Tract D)
as shown on Survey dated 10/01/2024.
There is not a Structure on the parcel.

PETITION No.: RDP-020-24 Fees Due: _____ Sign Deposit Due: _____

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0519 002 Acreage: 31.421 STAFF USE ONLY
~~Tract A = 19.647~~
~~Tract B = 11.774~~
Land District(s): 5 Land Lot(s): 88, 73
Road Name/Frontage L.F.: S Jeff Davis/Dixon Rd Road Classification: _____
Existing Use: Vacant Land Proposed Use: Single Family Residential Home
Structure(s): + Type: House Size in SF: 2826
Existing Zoning: R-45 conditional 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: _____

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:

Jerry M. Gable

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0519 002

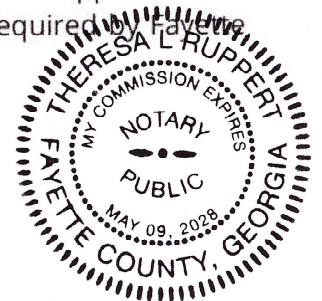
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 73 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christine Flanigan 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) Jerry M. Gable
Signature of Property Owner 1
663 Clear reek Valley Dr, Ellijay, GA 30536
Address

Theresa L. Ruppert
Signature of Notary Public
8-9-2024
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

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.

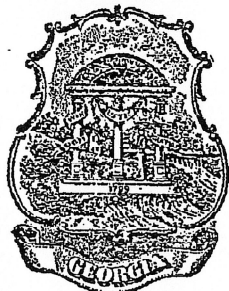
(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the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



STATE OF GEORGIA,

FAYETTE

County.

THIS INDENTURE, made this 9th day of Februaryin the year of our Lord One Thousand Nine Hundred and eighty-threebetween EARL GABLEof the State of Georgia and County of Coweta of the first partand JERRY M. GABLEof the State of Georgia and County of Cobb of the second partWITNESSETH: That the said part y of the first part, for and in consideration of the sum of

Other valuable consideration and Ten (\$10.00) ----- DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged

has S granted, bargained, sold and conveyed and by these presents do as grant, bargain, sell and convey untothe said part of the second part, himself, his heirs and assigns, all that tract or parcel of

TRACT NO. 1:

land lying and being in LL 27, 28 & 105 in the 5th Land District & 496 District G.M. Fayette County, Georgia about 2 1/2 miles east from Fayetteville, Georgia, containing one hundred four and twenty three one hundredths (104.23) acres, more or less, according to plat thereof made by J. O. Lee, County Surveyor, in June, 1952, and recorded in Deed Book 35, at page 379, in office of Clerk Superior Court of Fayette County, Georgia which plat and the record thereof are by reference incorporated herein. Said land is bounded as follows: On north by lands of C. B. Callaway and H. A. Mayfield, on east by Public Road; H. S. Mayfield, W. W. Betsill & E. B. Welden Estate; on south by Dickson lands and tract no. 2 below; and on west by Dickson lands and Mrs. Jennie Farrer lands.

TRACT NO. 2

All that tract or parcel of land lying and being in the 5th District of Fayette County, Georgia about 2 1/2 miles east from Fayetteville, Georgia, the eastern part of LL 73 as shown on plat of same prepared by Lee Engineering Company dated June 29, 1959, and recorded in Plat Book 1, page 121, Fayette County records, which plat and the record thereof are by reference incorporated herein; which land is more particularly described as follows: BEGINNING at the northeast corner of LL 73, running west along the north boundary of said lot a distance of 1565 feet to a corner; thence south 30 minutes east 1016 feet to a corner in a stream; thence westerly along the stream 730 feet to a road, formerly public; thence southerly along the center of the roadway 2230 feet to the south boundary of Land Lot 73; thence east 1756 feet to the southeast corner of said Land Lot; thence north along the east boundary of the lot 2950 feet to the point of beginning; containing one hundred twenty-two (122) acres, more or less, according to the Lee Engineering Company Survey.

EXCLUDED FROM the herein described property are conveyance made by the Grantor, Earl Gable as follows:

1. Warranty to Jack L. Dickson dated March 1, 1978 and recorded in Deed Book 176, page 158, Fayette County Records.
2. Warranty Deed to Evelyn N. Pruitt dated March 31, 1978, recorded in Deed Book 177, page 560, Fayette County Records.
3. Warranty Deed to Phillip and Jane Anderson dated November 18, 1977, recorded in Deed Book 172, page 407, Fayette County Records.
4. Warranty Deed to Doug Cole dated October 7, 1977, recorded in Deed Book 169, page 760, Fayette County Records.
5. Warranty Deed to Charles C. Kilpatrick, Jr., recorded in Deed Book 169, page 762, Fayette County Records.
6. Warranty Deed to A. C. and Flora M. Garrison dated October 3, 1977, recorded in Deed Book 169, page 766, Fayette County Records.
7. Warranty Deed to C. W. Ferguson and Edgar C. Wendling, dated October 7, 1977, recorded in Deed Book 169, page 769, Fayette County Records.
8. Warranty Deed to Jerry Dickson, dated 10-27-77, recorded (Cont. back)

(#8 Continued from front)
in Deed Book 171, page 166, Fayette County Records. BOOK 271 PAGE 178

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and Jerry M. Gable
behalf of the said part Y of the second part, his heirs and assigns, forever, IN FEE SIMPLE.

And the said part Y of the first part, for himself, his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part Y of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of

Thomas J. Jones
W. A. Ballard
Notary Public, Georgia, State at Large
My Commission Expires Feb. 20, 1983

Earl Gable (Seal)
Earl Gable (Seal)
(Seal)
(Seal)
(Seal)

Fayette County, Georgia
Deed Book 271, Page 178
Book 160, Page 2-10-83
Clerk of Superior Court

FILED 2-10-1983
RECORDED 2-11-1983
W. A. Ballard
CLERK SUPERIOR COURT
400
Fm

WARRANTY DEED

FROM

TO

Georgia, Fayette County

Clerk's Office, Superior Court.

Filed for Record at 400 o'clock P. M.

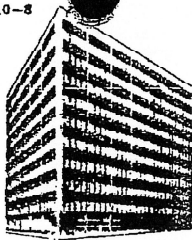
Feb 10th, 1983

Recorded in Book 271, Folio 177

Feb 11th, 1983

W. A. Ballard, Clerk

Form 10-8



GEORGIA STATE OFFICE
TITLE BUILDING
ATLANTA, GEORGIA 30303

Lawyers Title Insurance Corporation

ATLANTA BRANCH OFFICE

WARRANTY DEED

STATE OF GEORGIA COUNTY OF

THIS INDENTURE, Made the _____ day of June, in the year one thousand nine hundred eighty-seven, between

JERRY M. GABLE

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

JOHN E. RYCKELEY

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00---) DOLLARS 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,

ALL THAT TRACT or parcel of land lying and being in Land Lots 73, 87, and 88 of the 5th District of Fayette County, Georgia, being shown as Tract "A" on the property survey for Jerry M. Gable, dated June 8, 1987, prepared by Kenneth Edward Presley, RLS, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Affidavit BK. 1238-151
off. 1243-298

Fayette County, Georgia
Real Estate Transfer Tax
Paid 45.20 Date _____

W. A. Ballard
Clerk of Superior Court

GEORGIA, Fayette County
Clerk's Office Superior Court

Filed for record June 22 1987

10:00 A. M.

Recorded in Book 453 Page 385

This 22 day of June 1987

W. A. Ballard

Clerk

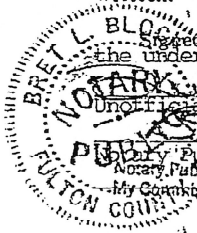
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

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

Sealed, sealed and delivered in presence of: _____ 1987.

the undersigned this 13 day of June
Notary Public



Notary Public
Fayette County, Georgia, State at Large
My Commission Expires April 2, 1990

Jerry M. Gable (Seal)

(Seal)

(Seal)

BOOK 453 PAGE 385 (Seal)

Book: 453 Page: 385 Seq: 1

ALL THAT TRACT or parcel of land lying and being in Land Lots 73, 87, and 88 of the 5th District of Fayette County, Georgia, being shown as Tract "A" on the property survey for Jerry M. Gable, dated June 8, 1987, prepared by Kenneth Edward Presley, RLS, and being more particularly described as follows:

BEGINNING at the northeasterly corner of Land Lot 73, which point is also the point of common intersection of Land Lots 73, 74, 87, and 88; thence running South 88 degrees 53 minutes 18 seconds East 355.6 feet to an iron pin found; thence running North 01 degree 04 minutes 30 seconds East 736.06 feet to a point; thence running North 63 degrees 42 minutes 17 seconds West 469.66 feet to a point; thence North 63 degrees 37 minutes 35 seconds West 145.91 feet to a point; thence North 62 degrees 05 minutes 02 seconds West 113.12 feet to a point; thence North 60 degrees 30 minutes 00 seconds West 27.08 feet to a point; thence South 29 degrees 59 minutes 10 seconds West 255.16 feet to a point; thence South 41 degrees 51 minutes 26 seconds West 786.78 feet to a point; thence South 25 degrees 37 minutes 59 seconds East 1044.83 feet to a point; thence South 63 degrees 43 minutes 07 seconds West 813.04 feet; thence South 89 degrees 20 minutes 47 seconds West 263.02 feet to a point; thence South 09 degrees 10 minutes 32 seconds West 349.42 feet to a point; thence running in a southwesterly direction along the curve of an arc having an arc distance of 396.29 feet and subtended by a radius of 360.0 feet to a point; then running South 15 degrees 45 minutes 07 seconds East 85.23 feet to a point; thence running South 68 degrees 22 minutes 28 seconds East 297.33 feet to a point; thence running South 79 degrees 52 minutes 42 seconds East 385.88 feet to a point; thence running North 74 degrees 03 minutes 05 seconds East 507.60 feet to a point; thence running South 88 degrees 45 minutes 49 seconds East 50.0 feet to a point; thence running South 01 degree 14 minutes 11 seconds West 661.03 feet to a point; thence running South 88 degrees 45 minutes 49 seconds East 290.0 feet to a point; thence running South 87 degrees 34 minutes 50 seconds East 60.12 feet to a point; thence running South 88 degrees 45 minutes 49 seconds East 275.0 feet to a point on the easterly land lot line of Land Lot 73; thence running North 01 degree 14 minutes 11 seconds East along said easterly land lot line 2345.41 feet to a point and the POINT OF BEGINNING.

FILED & RECORDED
FAYETTE COUNTY, GA.

'01 MAY 8 PM 12 26

SHEILA STUDDARD, CLERK

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

B. D. Murphy, III, P.C.
370 West Stonewall Ave
Fayetteville, GA 30214
(770) 461-4226

This Indenture made this 26th day of April, in the year 2001, between JERRY M. GABLE, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CHARLES D. DEWBERRY as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

FOR A FULL AND COMPLETE LEGAL DESCRIPTION OF THE PROPERTY HEREIN CONVEYED, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

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

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 350.00
DATE 5-8-01
SHEILA STUDDARD
CLERK OF SUPERIOR COURT

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

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

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

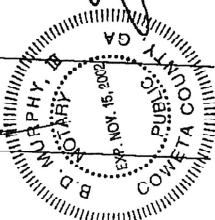
Signed, sealed and delivered in the presence of:

Witness

JERRY M. GABLE (Seal)

BOOK 1629 PAGE 729 (Seal)

Notary Public



(Seal)

Continued from page B5

**NOTICE OF PUBLIC HEARING
FOR THE CONSIDERATION OF
THE REVISED DEVELOPMENT
PLAN FOR THE WOODLANDS**

PUBLIC HEARING to be held before the Fayette County Planning Commission on November 7, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on December 12, 2024, at 2:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: RDP-020-24

Parcel No: 0519 002

Applicant: Jerry M. Gable

Agent(s): Christine Flanigan

Zoning District: R-45

Area of Property: 28.450 acres

Land Lot(s)/District: Land Lot 88 & 73 of the 5th District

Fronts on: Dixon Circle and S. Jeff Davis Drive

Proposed: Request approval of the Approved Development Plan for The Woodlands as depicted in the Preliminary Master Plan approved on November 9, 2006.

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: Tract D

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 73 & 88, 5th District, Fayette County, Georgia, and being Parcel No. 0519 002, Tract D containing 28.450 acres more or less, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 10/01/2024 and being more particularly described as follows:

Beginning at a X scribed in concrete pad, on the right-of-way of South Jeff Davis

Drive, 262.21 feet from the intersection of the Western right-of-way of Emerald Lake Drive (60' R/W) with the Southern right-of-way of South Jeff Davis Drive (R/W Varies) and being the TRUE POINT OF BEGINNING; Thence leaving said right-of-way, South 30° 18' 26" West for a distance of 254.96 feet to a point; Thence South 42° 10' 42" West for a distance of 786.78 feet to a point; Thence South 25° 18' 43" East for a distance of 1044.54 feet to a point;

Thence South 64° 00' 33" West for a distance of 813.40 feet to a point; Thence South 89° 38' 13" West for a distance of 286.34 feet to a point; Thence North 05° 39' 40" East for a distance of 53.32 feet to a point in the center of a creek; Thence continuing along the center of said creek, South 89° 37' 48" West for a distance of

19.71 feet to a point; Thence South 87° 42' 58" for a distance of 32.32 feet to a point; Thence North 88° 22' 32" West for a distance of 8.95 feet to a point; Thence leaving the center of said creek, North 00° 02' 55" West for a distance of 792.18 feet to a P/K nail set, in the centerline of an abandoned road known as old Dixon Circle; Thence continuing along the centerline of said road North 81° 52' 07" East

for a distance of 65.22 feet to a P/K nail set; Thence continuing along the centerline of said road North 62° 46' 45" East for a distance 80.08 feet to a nail found; Thence continuing along the centerline of said road North 46° 23' 38" East for a distance 174.95 feet to a nail found; Thence continuing along the centerline of said road North 67° 34' 49" East for a distance 99.97 feet to a nail found; Thence leaving said centerline, North 04° 10' 03" East for a distance 17.06 feet to a nail found on southern line of Land Lot 88; Thence continuing along said Land Lot Line, South 88° 11' 22" East for a distance of 211.27 feet to a t-post found; Thence leaving said Land Lot Line, North 00° 10' 57" East for a distance of 569.64 feet to a 1/2" re-bar found; Thence North 00° 57' 37" East for a distance of 435.31 feet to a 1/2" re-bar set; Thence North 89° 09' 28" West for a distance of 300.00 feet to a 1/2" re-bar set; Thence North 01° 09' 12" East for a distance of 288.48 feet to a 1/2" re-bar set on the right-of-way of South Jeff Davis Drive; Thence continuing along the right-of-way of said road, South 58° 10' 35" East for a distance of 127.00 feet to a point; Thence continuing along a curve of said right-of-way 292.77 feet, curving to the left, said curve having a radius of 12,822.78 feet, and a chord bearing South 59° 13' 47" East for a distance of 292.76 feet to a point; Thence continuing along the right-of-way of said road, South 60° 27' 41" East for a distance of 51.79 feet to a 1/2" re-bar set and being the TRUE POINT OF BEGINNING.

10/16

PETITION No: TA-0006-24

REQUESTED ACTION: Amend Sec. 110-242. Powers and Duties.

Staff is presenting a recommendation to amend Sec. 110-242. Powers and Duties. This amendment addresses the powers and duties of the Zoning Board of Appeals. It provides criteria for variances for unimproved nonconforming lots and clarification regarding variances allowed for improved illegal lots.

Please refer to the subsequent pages for details of the proposed amended language.

STAFF RECOMMENDATION: Staff recommends approval of the amendments as presented.

PLANNING COMMISSION PUBLIC HEARING: November 7, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: December 12, 2024

Sec. 110-242. Powers and duties.

- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
- (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.
 - (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
 - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for: an unimproved nonconforming lot pursuant to paragraph (c), below; or an improved illegal lot pursuant to paragraph (i), below. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and

-
- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
 - (3) Such conditions are peculiar to the particular piece of property involved; and
 - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and
 - (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

(c) Request for a variance: Nonconforming Lots. The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

- (1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size. Should the subject nonconforming lot require a well for its water supply, no such nonconforming lot shall be eligible for a variance to the minimum lot size which would result in such nonconforming lot being less than one and one-half acres in size.
- (2) The owner of a nonconforming lot may request a variance to the minimum lot width for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot width which would result in the nonconforming lot being less than 80% of the minimum lot width required in its zoning district.
- (3) The owner of a nonconforming lot may request a variance to the minimum road frontage for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum road frontage which would result in the nonconforming lot containing less than 20 feet of road frontage required in its zoning district.

~~(e)~~(d) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.

~~(d)~~(e) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.

~~(e)~~(f) *Request for a change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.

~~(f)~~(g) *Request for an extension or enlargement of a legal nonconforming use.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:

- (1) The use is a legal nonconforming use as defined in these regulations; and
- (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
- (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.

~~(g)~~(h) *Request for a continuance of a legal nonconforming use.* The zoning board of appeals may allow, upon appeal in specific cases, a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:

- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and
- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.

~~(h)~~(i) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district, or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
- (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

-
- (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

| ~~(j)~~(i) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods: and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.

| ~~(k)~~ *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2016-08, § 1, 5-12-2016; Ord. No. 2017-11, §§ 2, 3, 6-22-2017; Ord. No. 2020-02, § 22, 5-28-2020)

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

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on November 7, 2024,
at 7:00 P.M. and before the Fayette
County Board of Commissioners on
December 12, 2024, at 2:00 P.M. in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

CONSIDERATION OF AMEND-
MENTS TO CHAPTER 110. ZON-

ING ORDINANCE, REGARDING
ARTICLE VII. - ZONING BOARD
OF APPEALS. - SEC. 110-242. -
POWERS AND DUTIES.

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

This 11th day of October 2024.

Deborah Bell, Director
Planning and Zoning

10/16