

## BOARD OF COUNTY COMMISSIONERS

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



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

March 28, 2024

5:00 p.m.

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

### OFFICIAL SESSION:

Call to Order  
Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons  
Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

1. Update from Southern Crescent Technical College. (pages 3-16)

### PUBLIC HEARING:

2. Consideration of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road. This item was tabled at the February 22, 2024 Board of Commissioners meeting. (pages 17-131)
3. Consideration of Petition No. 1344-24, Stephen Willoughby Homes, LLC, owner; Richard Lindsey, Attorney, agent; request to rezone 41.10 acres from A-R to R-40 for the purposes of developing a single-family residential subdivision; property located in Land Lot 230 of the 5th District and fronts on Kenwood Road and Longview Road. (pages 132-169)

### PUBLIC COMMENT:

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

### CONSENT AGENDA:

4. Approval to add Paislee Park subdivision to Fayette County's Street Light Program. (pages 170-171)
5. Approval to accept a supplemental grant award for the DUI Accountability Court in the amount of \$51,546 for Treatment and Drug Testing. (pages 172-173)
6. Approval of the March 14, 2024 Board of Commissioners Meeting Minutes. (pages 174-178)

**OLD BUSINESS:**

**NEW BUSINESS:**

7. Consideration of a request from Rod Wright, developer of Paislee Park, seeking authorization for the use of motorized cart travel on all streets within the subdivision in accordance with Fayette County Code; Chapter 26-Traffic and Vehicles; Article III.-Motorized Carts. (pages 179-181)
8. Consideration of a request from United States Soccer Federation National Training and Headquarters to connect to the City of Fayetteville's sewer system. (pages 182-183)
9. Request to award Bid #2357-B: 2017 SPLOST; Stormwater Category II, Tier II, 19SBM Ridge Way Culvert Replacement to the lowest responsive, responsible bidder, Piedmont Paving, Inc., in the amount of \$300,958.14 and to transfer \$141,286.00 from 19SBO - Davis Road. (pages 184-194)
10. Request to award IFB #2358-B to Headley Construction Corporation in the amount of \$299,977.68 for Kiwanis Park Pickleball Construction and approval to transfer \$120,000.00 from Kiwanis Park Restroom Facility Budget 37560110 541210 236AC to the Kiwanis Park Pickleball Construction budget 37560110 541210 226AE to fully fund the Pickleball Court Construction project. (pages 195-198)

**ADMINISTRATOR'S REPORTS:**

A: Contract 2128-B: Annual Contract for Waterline Extension Task Order 24-07: Burch Rd. Vault Replacement (pages 199-200)

B: Contract 2379-S: Public Health Camera Installation (pages 201-210)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**



# COUNTY AGENDA REQUEST

Page 3 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Update from Southern Crescent Technical College.

## Background/History/Details:

Dr. Irvin Clark, President of Southern Crescent Technical College, would like to provide a brief update on Southern Crescent Technical College to the County Administrator and the Board of Commissioners.

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

Update from Southern Crescent Technical College.

## If this item requires funding, please describe:

No funding request.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

# Fayette County Commission Meeting

March 28, 2024

**Our Focus**

**Strategic Plan 2024-2028**

**Enrollment Data Fall 2023**

**High Demand Industry Sector Initiatives**

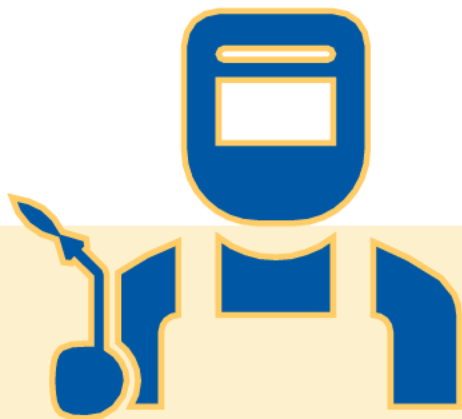
**Apprenticeships**

**Talent Strong Southern Crescent**

**Capital Outlay**

# Our Focus

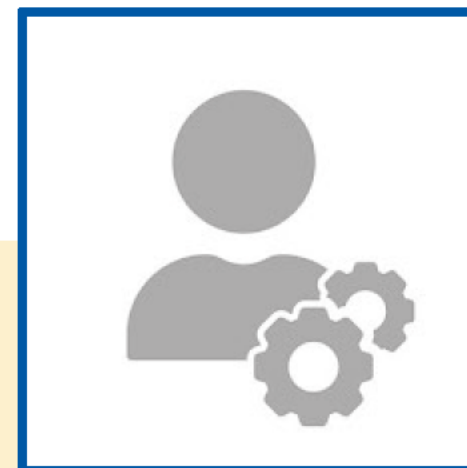
## WORKFORCE DEVELOPMENT



Technical Education



Adult  
Education



Economic  
Development

# SCTC AY2024-AY2028 Strategic Plan

Our vision is to be the preeminent technical college, preparing our students to be globally work-ready. Dedicated to our mission to deliver relevant technical education, adult education, and learning opportunities to promote service, workforce development, and economic development.

## Goal 1:

Increase and strengthen partnerships to provide opportunities for institutional advancement and economic development.

## Goal 2:

Integrate strategic communication strategies across the College that raises awareness, changes attitudes, and motivates students, employees, and partners to action.

## Goal 3:

Establish and maintain a culture of organizational excellence that supports continuous improvement, innovation, and high-performance standards.

## Goal 4:

Enhance enrollment management and student success strategies to increase student enrollment, retention, graduation, and placement.

## Goal 5:

Deliver high-quality, industry-relevant curriculum and instruction that meets the needs of students and employers.

## HIGH-DEMAND INDUSTRY SECTOR PROGRAMS

### AUTOMOTIVE

Enrollment: 124 ↑ 58.9%

### AVIATION

Enrollment: 25 ↑ 66.7%

### CERTIFIED NURSE ASSISTANT (CNA)

Enrollment: 265 ↑ 11.3%

### COMMERCIAL TRUCK DRIVING

Enrollment: 61 ↑ 60.5%

### CYBER

Enrollment: 371 ↑ 21.6%

### LICENSED PRACTICAL NURSING (LPN)

Enrollment: 81 ↑ 55.8%

### MANUFACTURING

Enrollment: 248 ↑ 47.6%

### REGISTERED NURSING (RN)

Enrollment: 51 ↑ 8.5%

SCTC's Fall Semester 2023 high demand industry sector program enrollment increased in each program area compared to Fall Semester 2022.

# Enrollment Highlights



## TOTAL ENROLLMENT

15.7%

# 5,804

Fall 2023 Total Unduplicated Enrollment increased 15.7% compared to the Fall 2022 Total Unduplicated Enrollment.

## DUAL ENROLLMENT

37.9%

# 1,759

Fall 2023 High School Dual Enrollment increased 37.9% compared to the Fall 2022 Dual Enrollment.  
This is the highest Dual Enrollment to date.

## TOTAL CREDIT HOURS

15.5%

# 48,325

The number of credit hours SCTC students enrolled in Fall Semester 2023 increased 15.5% compared to the Fall Semester 2022.



# SCTC in Fayette County

## Fayette County Center



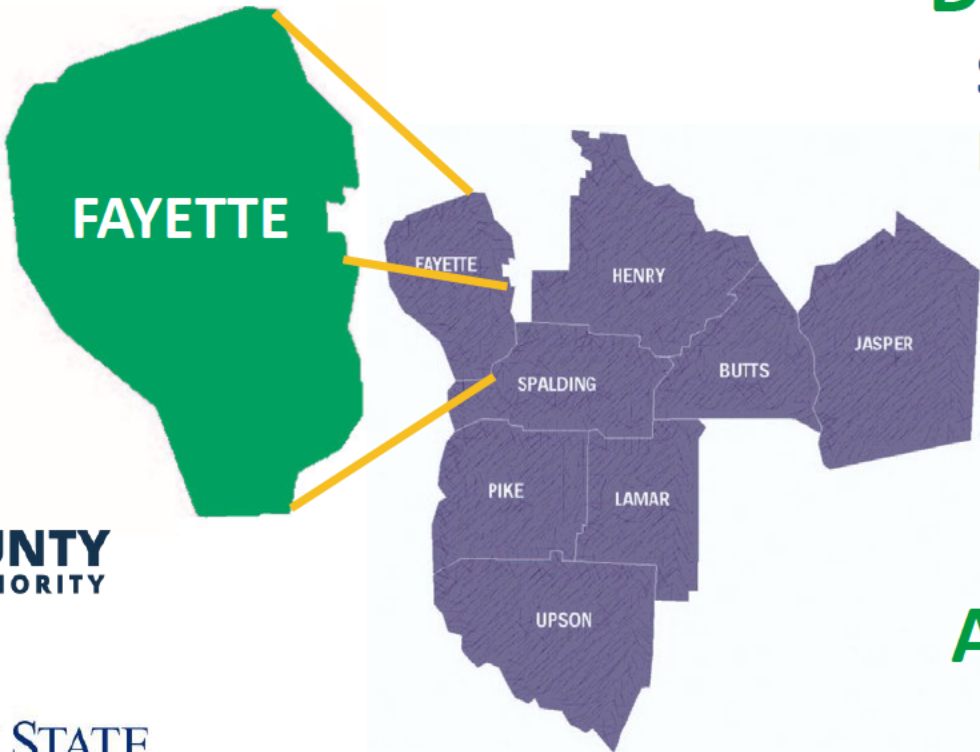
## In partnership with



**FAYETTE COUNTY**  
DEVELOPMENT AUTHORITY



Where Excellence and Creativity Merge



## DUAL ENROLLMENT

SINCE 2015	3,063
FALL '23 SEMESTER	398

9% of AY2024  
total credit  
enrollment reside in  
Fayette County

## ADULT EDUCATION

FY2024	922
FAYETTE	170

# Supporting our High Demand Industry Sectors

## Industrial Systems Technology Trailer



## Welding Technology Mobile Trailer





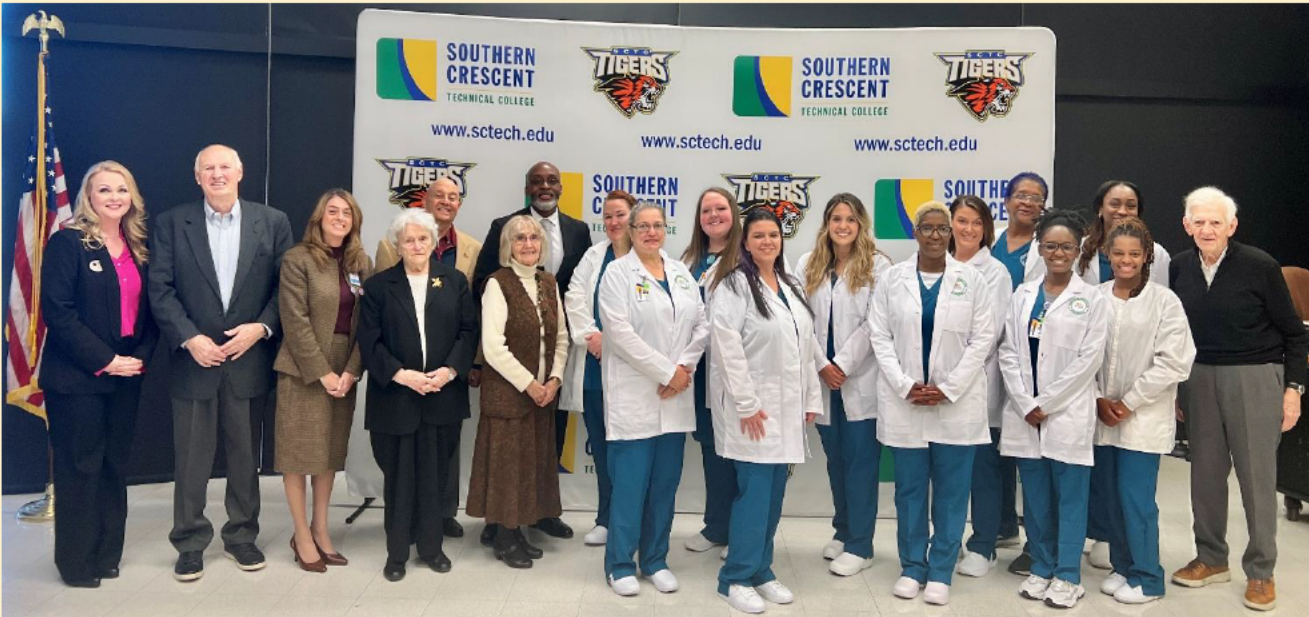
# Supporting our High Demand Industry Sectors

**CDL- Entrepreneurship  
Graduating HS Seniors**

**LPN-Paramedic to RN Bridge  
SCTC Spalding and Fayette**









## Apprenticeships 2024

SCTC leads in the number of apprenticeships among the 22 TCSG institutions.



Goal by December 2024 of **150** US DOL Apprenticeships with at least 25% originating from Dual Enrollment.

### Apprenticeships create the potential to:

Boost job prospects  
and earnings  
for individuals

Cultivate a pool of  
skilled individuals  
for employers

Align student skills  
with  
workforce demands

US DOL registered apprenticeships build a Talent Strong Southern Crescent that impacts workforce development in our region.

# Initiatives 2024

## Educator Externship Program

A 4-day experience that connects teachers/counselors to targeted high demand industries.



# CONNECT

BUTTS • FAYETTE  
HENRY • JASPER  
LAMAR • PIKE  
SPALDING • UPSON



## EDUCATOR EXTERNSHIP PROGRAM

SUMMER 2024

This 4-day career and occupational experience is an opportunity for educators to **observe** and **interact** with local companies, Southern Crescent Technical College and its programs, and key external stakeholders while gaining **real-world industry experience** and **knowledge** to bring back to their school.

### LEARN MORE!

#### FIND OUT WHAT DRIVES OUR LOCAL ECONOMY

- Explore career opportunities in our Industrial and Allied Health sectors.
- Meet with key leaders to hear about the mission and vision of select in-demand companies.
- Participate in a company tour and visit industry partners, Development Authorities, Chambers of Commerce, Worksource Boards, local Departments of Labor, and SCTC classrooms or training labs.
- Shadow employees in key occupations.
- Develop a portfolio to include a presentation shared at the end of the week as well as a plan to take the information gained back to their school.

**\$500.00 Stipend | Open to teachers and counselors**  
**Three educators will be selected from each county**

\* District superintendents or their designee will select the program participants.

\*\* The program is from 9 am - 3 pm each day and participants will receive a stipend, lunch, and a Teacher Externship Credential.

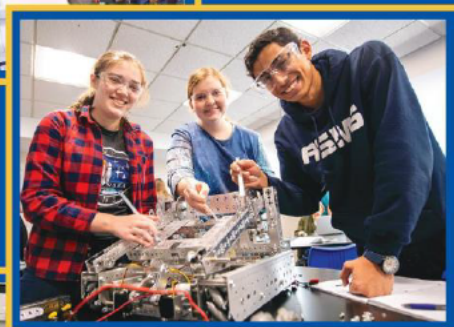
Southern Crescent Technical College is a Unit of the Technical College System of Georgia and an Equal Opportunity Institution.



**FOR MORE INFORMATION OR TO RSVP  
TO THE VIRTUAL INFORMATION SESSION**

**Barbara Jo Cook**  
Vice President for Advancement  
Southern Crescent Technical College  
barbarajo.cook@sctech.edu  
770.467-6038





# T<sup>★</sup>ALENT STRONG



**SOUTHERN  
CRESCENT**  
TECHNICAL COLLEGE

**JOIN US**

for this exclusive opportunity  
for graduating high school seniors to

**Earn College Credit**

**Develop a Career Plan**

**Pursue an Exciting Career**

*in the high demand areas of*

**Industrial Systems  
Technology**

**Mechatronics  
Technology**

**Machine Tool  
Technology**

## Capital Outlay

### Robotics, Automation, Advanced Manufacturing, and Economic Development (RAAME) Center

A cutting-edge facility designed to offer top-tier training features and academic programs, equipping students and enterprises to thrive while aligning seamlessly with industry workforce demands.

#### RAAME CENTER

##### KEY HIGHLIGHTS

- ✓ Supports high demand career programs
- ✓ Expands capacity for enrollment
- ✓ Addresses existing health and safety concerns
- ✓ Delivers state-of-the-art facilities for workforce development
- ✓ Develops a Small Business Center to support entrepreneurship
- ✓ Provides technical training for credit and Economic Development programs

# COUNTY AGENDA REQUEST

Page 17 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road. This item was tabled at the February 22, 2024 Board of Commissioners meeting.

## Background/History/Details:

The parcel is currently zoned A-R but has less than the required 5 acres. Rezoning to R-72 will create a lot that meets area requirements of R-72. A zoning of R-72 IS CONSISTENT with the Future Land Use Map/Comprehensive Plan. However, further research since the February 22 meeting, determined that the parcel is an illegal lot, created by a survey recorded November 4, 1987 in Plat Book 18, Page 111. As such, the correct course of action would be for the applicant to present a request to the Zoning Board of Appeals (ZBA) for the lot to be deemed a nonconforming lot, which would then be considered for rezoning.

The existing house was built c. 1901, does not meet current building setbacks or square footage requirements. Historic structures are considered legal nonconforming because they predate any ordinances but rezoning requires that issues be addressed. The applicants want to retain this house as a guest house for their son. This will require variances to square footage and building setbacks. Two nonconforming accessory structures have been removed.

On February 1, 2024, Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL. Based on discussions with the County Attorney, Staff revised the RECOMMENDED CONDITIONS: Please refer to the revised staff report for updated conditions.

Upon review of the lot's illegal status, staff recommends denial of the request. However, if approved, staff recommends conditional approval.

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

Consideration of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road. This item was tabled at the February 22, 2024 Board of Commissioners meeting.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

**PETITION NO: 1338-24**

**REQUESTED ACTION:** Rezone from A-R to R-72

**PARCEL NUMBER:** 0449 061

**PROPOSED USE:** Single-Family Residential

**EXISTING USE:** Single-Family Residential

**LOCATION:** 689 McBride Road

**DISTRICT/LAND LOT(S):** 4<sup>th</sup> District, Land Lot 252

**ACREAGE:** 2.14 acres

**OWNERS:** Jerry Battle, Jr. & Melissa Battle

**AGENT:** Randy M. Boyd

**PLANNING COMMISSION PUBLIC HEARING:** February 1, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 28, 2024 (tabled from February 22, 2024)

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**APPLICANT'S INTENT**

Applicant proposes to rezone 2.14 acres from A-R to R-72 for the purposes of a single-family home and accessory structures.

**PLANNING COMMISSION RECOMMENDATION**

On February 1, 2024, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the request to rezone from A-R to R-72.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 is designated for this area, so the request for R-72 zoning is appropriate. However, at the last Board of Commissioners meeting, petitioner made a statement that triggered staff to conduct additional research into the parcel. Following said research, staff has determined that this parcel is classified as an illegal parcel. It was a remnant parcel in a plat recorded 4 NOV 1987, Plat Book 18 Page 111 (*please refer to plat on page 15 of this agenda package*). As a result, staff recommends denial of the rezoning petition. The parcel should be presented to the Zoning Board of Appeals with a request to be deemed a nonconforming lot under Sec. 110-242. Once the illegal status has been corrected, the parcel will be eligible to be considered for rezoning.

The two older accessory structures that exceeded the square footage allowed in R-72 have been removed.



The unapproved business operation has ceased and the applicant understands that this will not be permitted at this location.

The applicant has applied for a building permit for the shop. The issuance and approval of this permit is pending the correction of the deficiencies of the existing house and parcel.

If this rezoning is approved, staff recommends the following conditions:

**RECOMMENDED CONDITIONS**

1. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet of right of way as measured from the existing centerline of McBride Road. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
2. Applicant must, within 120 days of the rezoning, obtain a variance for the side yard setback encroachment of approximately 1 foot (1') of the existing house or remove the structure.
3. Applicant must, within 120 days of the rezoning, obtain a variance for the front yard setback encroachment of approximately 33.8 feet (33.8') of the existing house or remove the structure.
4. If the setback variances are approved, the applicant must, within 60 days of that approval, obtain a building permit to expand the house to meet R-72 standards, or obtain a demolition permit and remove the structure.
5. Expansion of the house, or its removal, must be completed within 6 months of obtaining the building permit.
6. Applicant must obtain a variance for an additional 20 square feet for the remaining accessory structure (1820 SF shop) or remove the structure within 120 days of approval of rezoning request.
7. Applicant must, within 60 days of approval of the accessory structure size variance, obtain a building permit for the accessory structure (1820 SF shop) or remove the structure.
8. If the applicant does not obtain a building permit to expand the existing house, or alternatively, a permit to build a new house, then the accessory structure (1820 SF shop) shall be removed within 90 days of the house setback variance approvals.

## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The property is an illegal lot because it has less than 5 acres created after Nov. 13, 1980. It is a remnant parcel from a subdivision plat by a previous owner. Rezoning to R-72 will create a lot that meets the acreage requirements of its zoning district.

Because it was built in 1901, the existing house does not meet current building setbacks or square footage requirements. Historic structures are generally considered to be legal nonconforming because they predate any ordinances but the rezoning requires that all issues be addressed. The applicants are aware of and have agreed to the recommended conditions.

There were more accessory structures on the property than are allowed in the zoning district. The smaller structures have been removed, leaving a single accessory building, an 1820 SF shop. This structure was not permitted by the *previous* owner, so the applicant is aware that they must obtain a building permit for the shop. A principal dwelling, or an active permit for a principal dwelling, is required before an accessory structure may be permitted. Provisions requiring the permits are listed in the recommended conditions of zoning.

This property is not located in an Overlay Zone.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

The Battles purchased the property in April 2023. At the time of purchase, there was an existing home constructed in 1901 with approximately 1,158 square feet, two (2) smaller sheds, one (1) 1,820 square foot metal building, and various debris. The sheds have been removed and Mr. Battle is in the process of obtaining a building permit for the shop. Mr. Battle applied for a building application for the 1,800 square foot shed in July 2023, however, staff was unable to approve the permit application because the lot was not a legal non-conforming lot. Rezoning is the first step in restoring the property to conforming status. The Battles understand variances and/or permits are also required if the existing structures are to remain.

### **D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned A-R, R-40, and R-72. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	4.151	R-40	Single Family Residential	Rural Residential – 1 unit/ 2 acres
East	5.75	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 2 acres

South (across McBride Rd)	5.0; 19.55	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 3 acres
West	2.49	R-72	Single Family Residential	Rural Residential – 1 unit/ 2 acres

#### E. COMPREHENSIVE PLAN

**Future Land Use Plan:** The subject property lies within an area designated for Rural Residential on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

#### F. ZONING/REGULATORY REVIEW

**Access & Right-of Way:** The property has existing access on McBride Road.

**Site Plan:** The applicant submitted a survey for the property. They do propose adding a new single-family home.

#### G. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is not available in that area of McBride Rd. The option to extend the waterline is available at the homeowner's expense.
- ☐ **Public Works** – No objections. Please refer to recommended conditions.
  - McBride Road is classified as a Collector and requires a 80' Right of Way per the Fayette County Thoroughfare Plan. Owner has agreed to dedicate necessary right-of-way.
- ☐ **Environmental Management** - No objections.
  - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0114E dated September 26, 2008, and the FC Flood Study.
  - Wetlands -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - Watershed Protection -- There ARE NO state waters located on the subject property per Fayette County GIS.
  - Groundwater -- The property IS NOT within a groundwater recharge area.
  - Post Construction Stormwater Management -- Single family home construction of existing lots does not apply.
- ☐ **Environmental Health Department** – Dept. has no objections to proposed rezoning from A-R to R-72.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – Not applicable, not on State Route.

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request does conform to the Fayette County Comprehensive Plan 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 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.

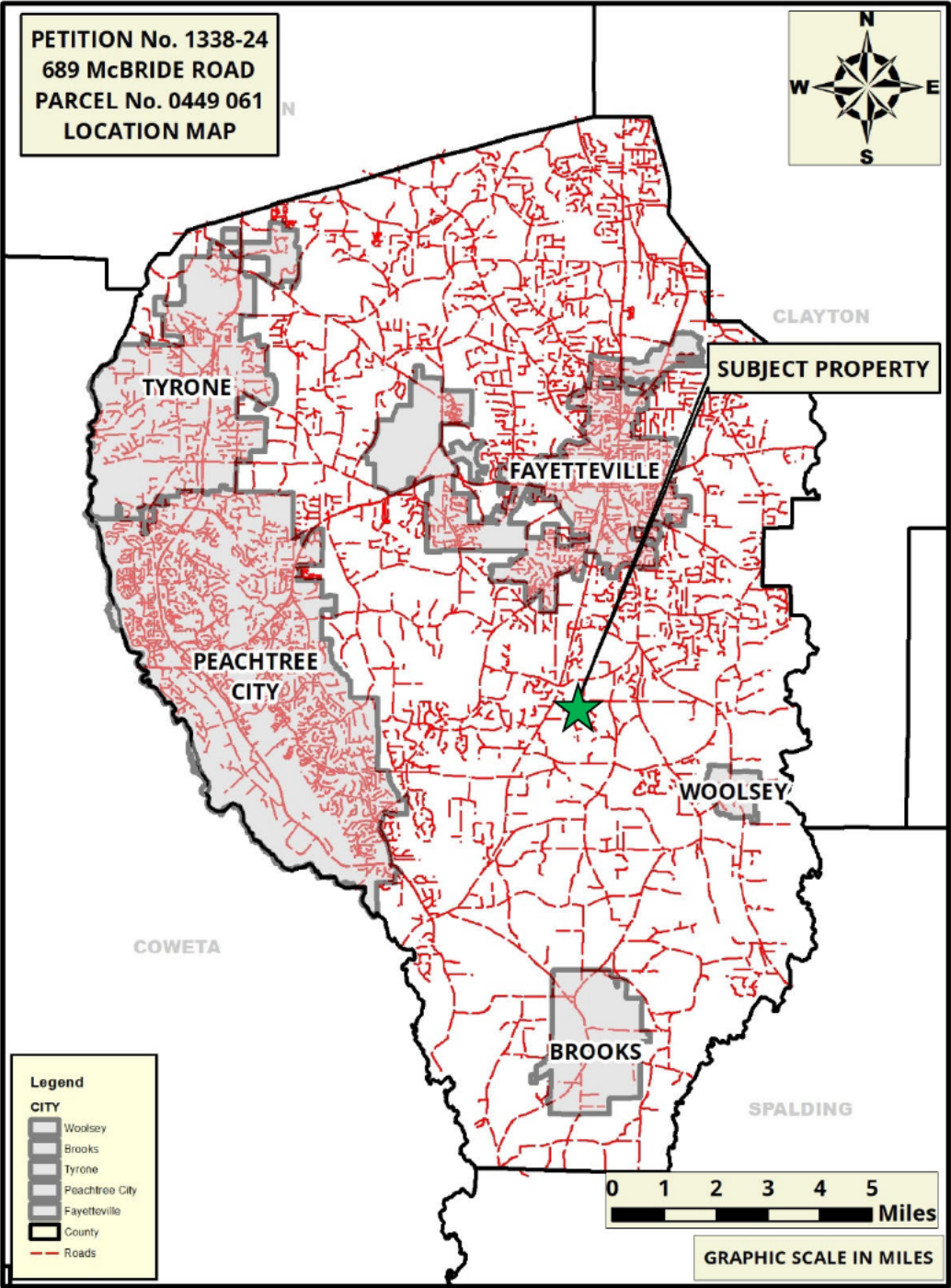
## **ZONING DISTRICT STANDARDS**

### **Sec. 110-132. R-72, Single-Family Residential District.**

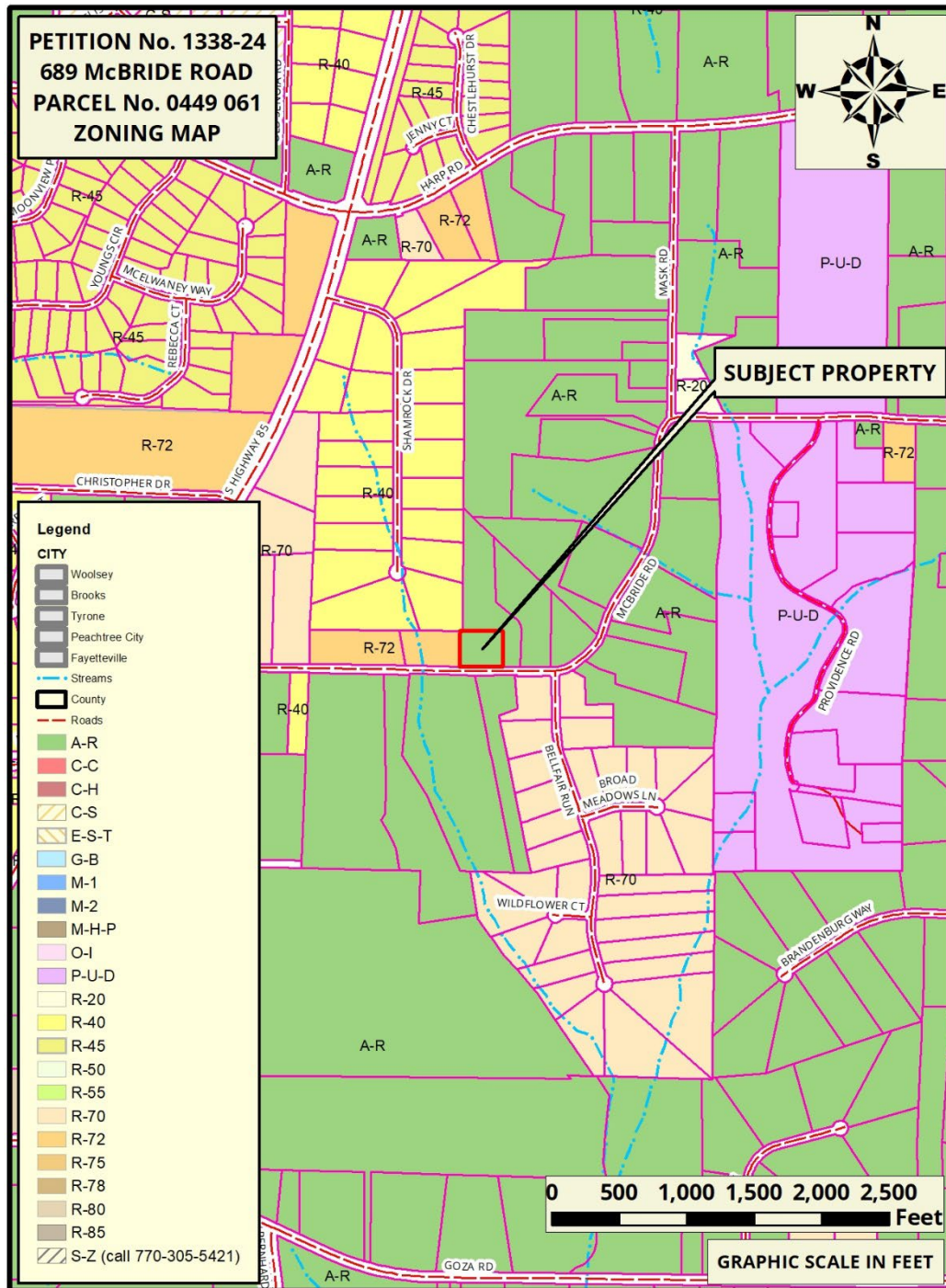
- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-72 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-72 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;

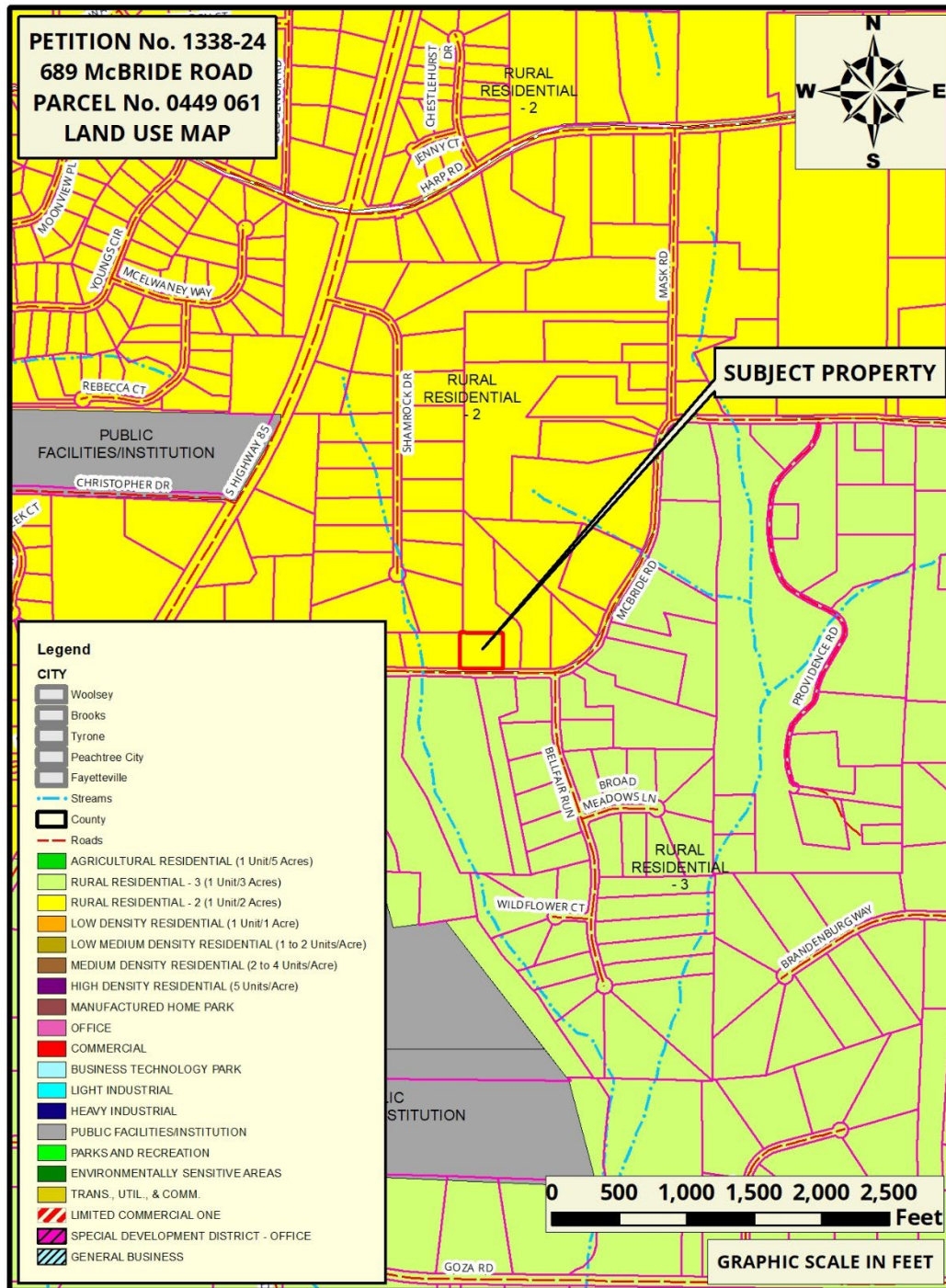
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-72 zoning district shall be as follows:
  - (1) Lot area per dwelling unit: 87,120 square feet (two acres).
  - (2) Lot width:
    - a. Major thoroughfare:
      - 1. Arterial: 175 feet.
      - 2. Collector: 175 feet.
    - b. Minor thoroughfare: 150 feet.
  - (3) Floor area: 2,100 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 75 feet.
      - 2. Collector: 75 feet.
    - b. Minor thoroughfare: 50 feet.
  - (5) Rear yard setback: 50 feet.
  - (6) Side yard setback: 25 feet.
  - (7) Height limit: 35 feet.

(Code 1992, § 20-6-8; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

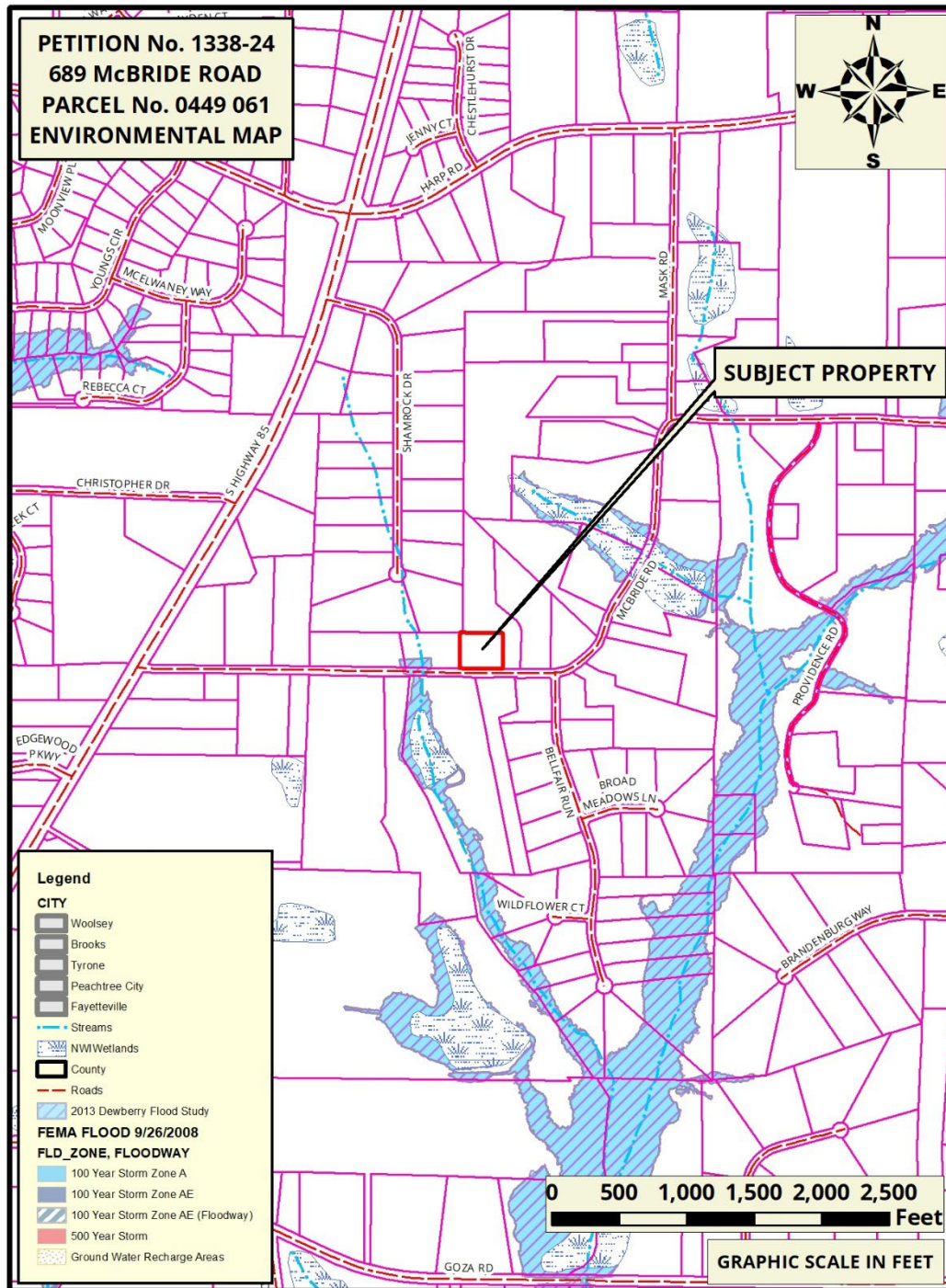




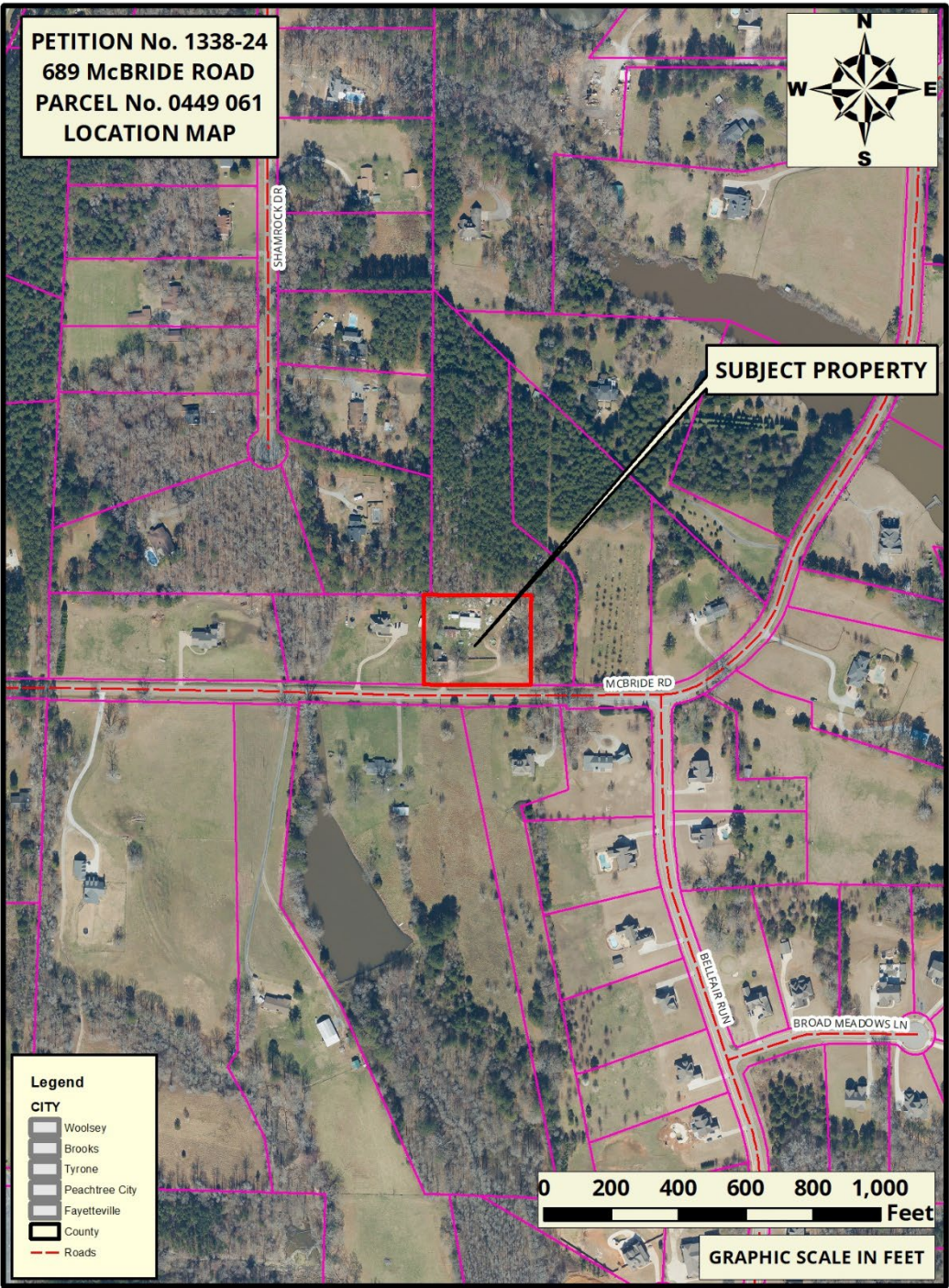




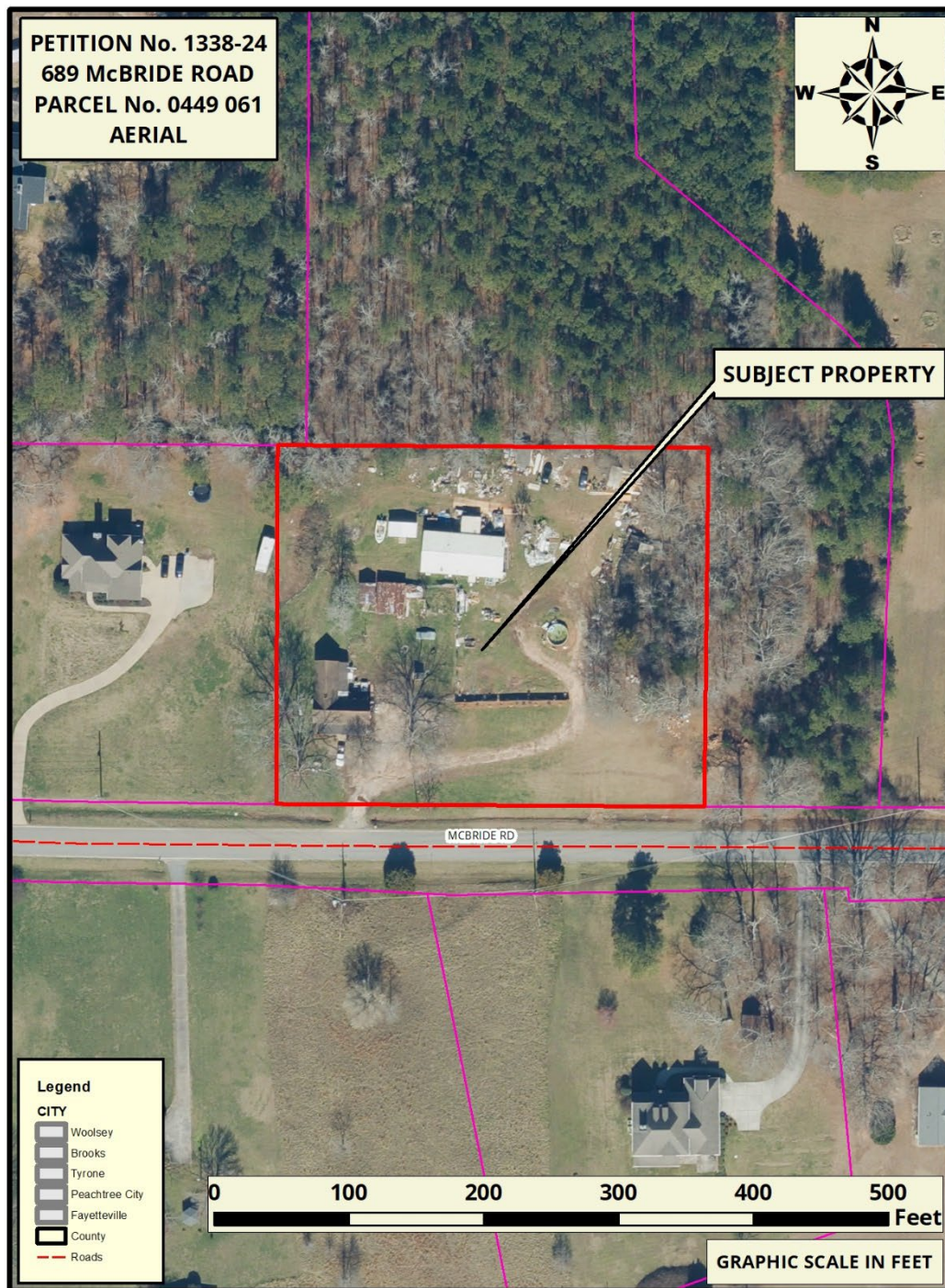


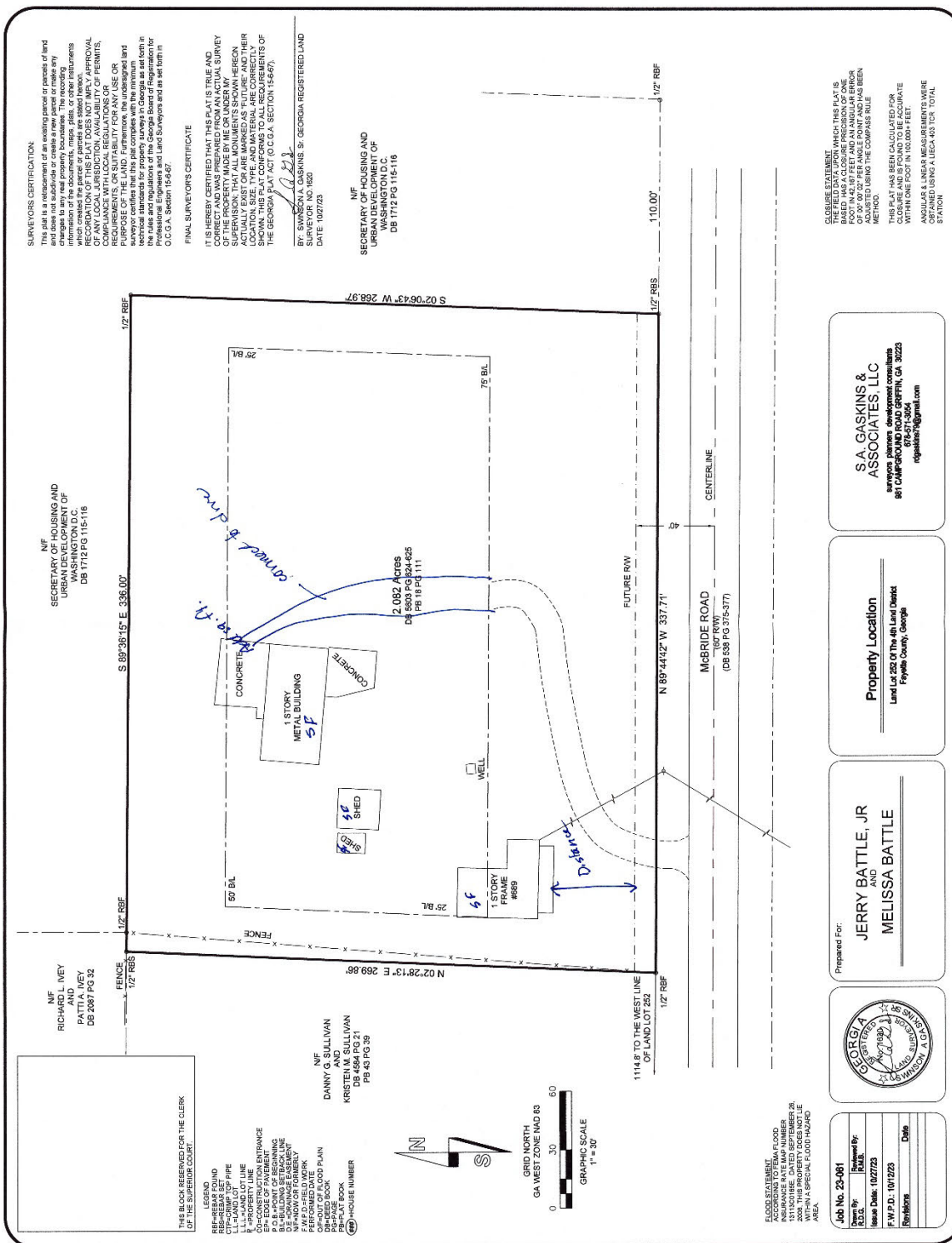






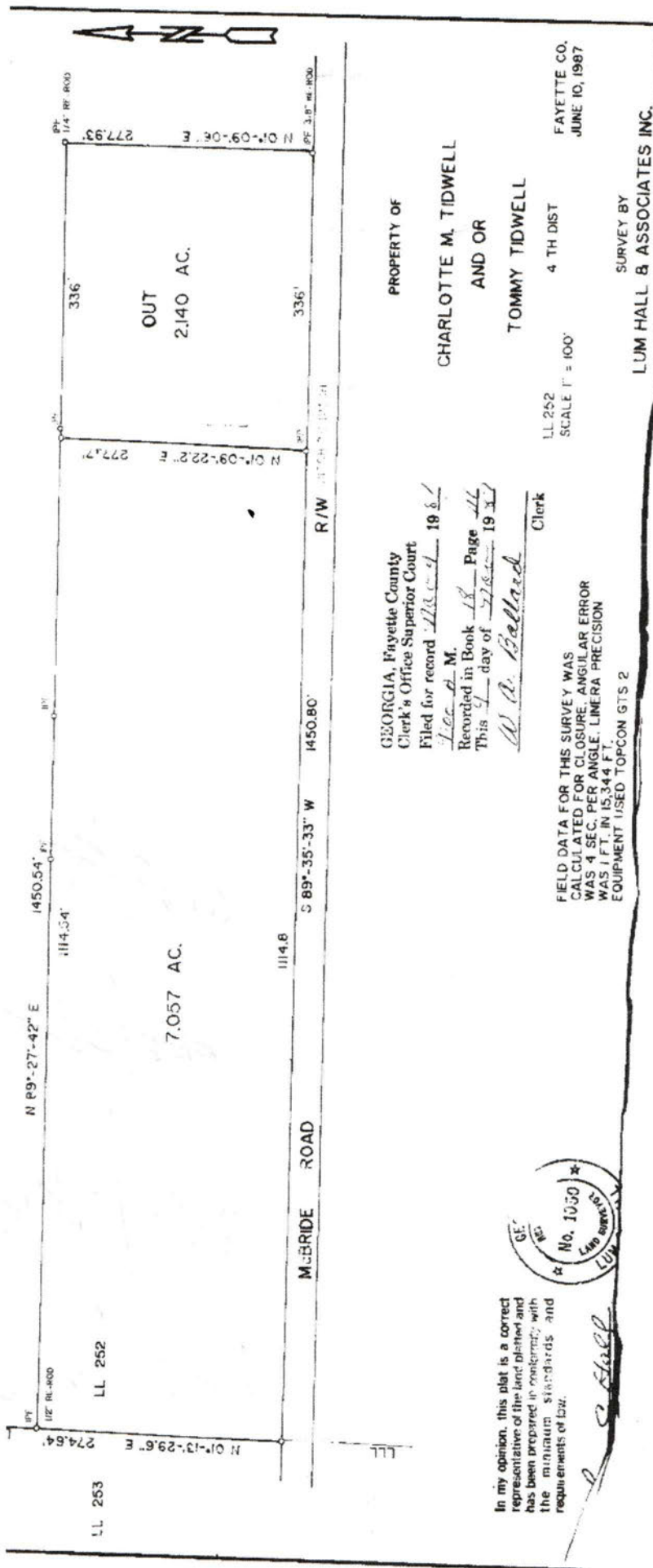












Building Safety Structure Report: February 27, 2024

Owner: Jerry and Melissa Battle

Address: 689 McBride Road, Fayetteville, GA 30214

**Property History:**

June 15, 2021:

Complaint received by the tenant: The structure, a metal garage, is unsafe.

June 16, 2021:

Tafoya conducted a site visit; Janet Mask, the owner, was informed the structure was unsafe, unpermitted, and posted condemned.

August 1, 2022:

Citations issued to owner Janet Mask

April 7, 2023:

Property Sold to Jerry and Melissa Battle.

April 10, 2023:

The plea by Janet Mask to court- she advised she had sold the property. Case closed by court.

July 10, 2023:

The owner, Jerry Battle, applied for a metal building permit, which Planning and Zoning and Building Safety denied.

July 2023- February 2024 Variance Process

February 22, 2024:

Fayette County Board of Commissioners requested staff provide an update on all structures on the property.

Nieber gave Mr. Battle her business card and advised she would reach out to follow up.

February 23, 2024:

Nieber reached out to the owner and advised the need to conduct a site visit and gave directions to make an application for the demolition of an illegal small shed and pole barn.

Application for Demolition Permit submitted.

February 26, 2024:

The demolition Permit was issued for the removal of two illegal structures.

February 27, 2024:

Nieber conducted an on-site meeting with the owners.

The removal of the small shed-like structure and pole barn has been confirmed. Certificate of Completion issued- see below.

Remaining Structures on the property:

Existing Residential Home 1180 sq ft Year Built: 1901.

Unpermitted Metal Building: 1800 sq ft

Well Cover Structure: 26 Sf

Discussed that approval from the Fayette County Board of Commissioners for the pending variance request was required before the submitted building permit for the metal structure could be considered by Planning and Zoning and Building Safety.

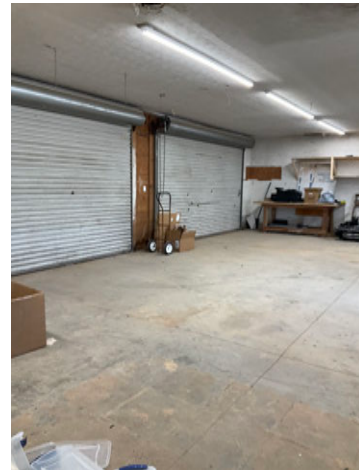
Building Safety confirmed that no business services are occurring within the unpermitted structure. Use of the building is restricted until compliance is reached.

If the variance approval is granted by the FCBOC, the home would need to be a minimum of 2100sf as required by Planning and Zoning and an additional permit would need to be submitted to achieve this.

Nieber and the homeowners discussed the extensive work that would be required for the existing home, including lead and asbestos testing, prior to the issue of any future home permits.

The unpermitted garage would require a stamped Georgia structural engineer design for the proper anchoring to the foundation, repair/removal of charred wood, correct portal doors, and additional noted framing deficiencies.

Environmental Health approval is required for the garage structure to be permitted with a bathroom.







#### Report Summary: February 27, 2024

Building Safety confirms the two remaining structures on the property can be permitted to reach compliance if FCBOC approves the pending variance request by the owner.

Owner understand that this would involve extensive work and cost is not considered by the Building Official when making this determination. All work including cost required to reach compliance would be the responsibility of the owner.

Owner was advised of the ordinance requirements for land transfers including unresolved issues, unpermitted or future permitting requirements. If property is ever sold the Building Official needs a notarized, signed disclosure by seller informing buyer the property has unresolved issues that may include enforcement items.

Report by: Leslie Nieber- Building Official



**Phone: 770-305-5403**

**Fax: 770-305-5212**

**NO: RDMO-02-24-072339**

# ***CERTIFICATE OF COMPLETION***

## **RESIDENTIAL**

In accordance with Chapter 5, of the Fayette County Code, the building or structure described below has been inspected for compliance with the requirements of the current state mandated version of the International Residential Code® in conjunction with the Georgia State Amendments and no violations of the construction codes or other laws that are enforced by the Department of Building Safety have been found.

**Building Permit Number: RDMO-02-24-072339**

**Building/Structure Address: 689 MCBRIDE RD, Fayetteville, GA 30215**

**Owner Name: Jerry Battle**

**Owner Address: 455 MerryDale Dr - Fayetteville, Georgia - 30215**

**Description for which Certificate is issued: Demolition of existing 20x21 pole barn and 14x11 shed. Structures were put on property from previous owner and never permitted-confirmed removed by Building Official.**

**Special Stipulations and Conditions of the Building Permit:**

**Inspector: Leslie Nieber**

**Date & Time: 2/27/2024**

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**Leslie Nieber**

**BUILDING OFFICIAL / DIRECTOR**

**FAYETTE COUNTY DEPARTMENT OF BUILDING SAFETY**















**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  
Christina Barker, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA OF ACTIONS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
February 1, 2024  
7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Oath of Office for Boris Thomas. *E. Allison Ivey Cox read the Oath of Office to Boris Thomas, who was sworn in as a board member for the Planning Commission.*
4. Approval of Agenda. *Danny England made a motion to approve the agenda. John Kruzan seconded the motion. The motion passed unanimously.*
5. Consideration of the Minutes of the meeting held on January 4, 2024, *Jim Oliver made a motion to approve the minutes from the January 4, 2024, meeting. Boris Thomas seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence. *Danny England made a motion to approve Petition 1338-24 with conditions. Jim Oliver seconded the motion. The motion passed 5-0.*
7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property. *Jim Oliver made a motion to approve Petition No. 1339-24 with conditions. Danny England seconded the motion. The motion passed 5-0.*

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail. ***John Kruzan made a motion to deny Petition 1340-24. Danny England seconded the motion. The motion to recommend denial passed 5-0.***
9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single family residential parcel. ***Danny England made a motion to approve Petition 1341-24 with conditions. John Kruzan seconded the motion to approve with conditions. The motion passed unanimously.***

# Meeting Minutes 02/01/2024

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 1, 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  
Jim Oliver  
Boris Thomas

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Christina Barker, Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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## NEW BUSINESS

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2. Pledge of Allegiance.
3. Oath of Office for Boris Thomas. *E. Allison Ivey Cox read the Oath of Office to Boris Thomas, who was sworn in as a board member of the Planning Commission.*
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## PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Deborah Bell reviewed the staff report for Petition 1338-24 to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence and accessory structures. The property is a nonconforming lot. It appears to be a remnant from some previous lot's subdivision. So, the fact that it is nonconforming is not the fault of the owner. However, rezoning it would cure the nonconformance and make this a legal nonconforming lot. The current owners purchased the property in April 2023. There is an existing much older home on the property which, if they are going to try to retain it, would require some variances. So, they will have to assess if they wish to proceed with that or to build something new. Staff recommends conditional approval.

### RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of McBride Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

Randy Boyd represents the petitioner, Jerry and Melissa Battle. They purchased the property in April of 2023. You can see from the map that it has all sorts of issues with it. To get the rezoning we have to apply for and dedicate an additional right of way. Yes, we will absolutely do that. I would like to take the opportunity to thank Deborah Bell and Deborah Sims for working with us on this. I took this over there and they about passed out. Everything on this property has issues: too many buildings, they are not big enough, and the property lines pass through buildings. They both really stepped out and tried to help us with this and we appreciate the help. The Battles purchased it and cleaned it up substantially. They want to renovate the house for their special needs son. The one to the southwest corner, there is an existing garage back there they want to build another house. There are a lot of issues on there. The property was created Nov. 1987 as part of a farm which was 12 acres. What they did was peel off 2-acres on each side. That's this piece. Then what was left over, I got those rezoned in the past. I got one rezoned in 2006 and another one 3-4 years ago to R-72. The 2-acre zoning is compliant with the comprehensive land use plan. We have R-72 to the West, R-40 to the North, and then A-R to the East and the South. This does fit the land use plan. I have heard a lot of appeals over the years, and I have listened to a lot of issues that people have had. But this is one where the Battles just bought this piece of property and they didn't do any of this, they are just trying to clean it up. Then you might say well, they should do their due diligence. Yes, they should but if you see a good deal, you also got to jump on it real quick. I would just ask that you zone this for the 2-acres. That is the proper zoning. The staff suggested that, and we support the recommended conditions. We look forward to working with them and cleaning this property up, so they have a nice piece of property. Thank you.

John Culbreth asks if anyone else is in favor of this petition would like to speak.

George Sullivan speaks on behalf of the petitioner. He is the property owner of the property immediately to the west of the petitioner. He has owned the property since March 2017. I moved my family here from Connecticut. When we moved here, the property was owned by a different property owner. In the time between March 2017 and when the petitioner bought the property, I have witnessed no less than two search warrants executed on that property, and no less than 12 incidents that required law enforcement. Mind you I am at home with two small girls and my wife. At the time when we moved here, I was a federal law enforcement officer. I, myself, detained 3 individuals until law enforcement could get them. Because they were on my property. This was on 3 separate occasions. I lived through it up until the new owner purchased the property. Anyone who knows McBride Road knows it was the number one eyesore. That property led to McBride Road being called the Infamous McBride Road with law enforcement because everyone knew it so well. The new owner bought it and has increased the positive nature, the cleanliness, and everything having to do with improving that property 1000 times over. Before it looked like a

condemned piece of property. It was littered with all matter of trash, vehicles, and debris that I had to look at every day. When the new owners moved in, within a small period of time, that was all gone, and they did everything they could up until the point they realized that they had zoning issues. To my knowledge, they have attempted to respond to every code request and do everything they could do. So, they have already demonstrated that if given the opportunity to at least make that property where you can do anything. As I understand it, they really can't do any type of modification. Give them the opportunity to at least meet the codes of Fayette County. I support them, and I didn't know them before they bought the property. Thank you.

Alexander Garcia here to speak on behalf of the petitioner. I actually just moved to Fayette County about a year ago. I live 2-3 houses to the west of Mr. Battle's property purchased back in April. The property was a mess. Mr. Battle came in and gutted it out completely. He is doing great things for our community and our property values. He wants to renovate and build something new to improve the property and I am in favor of that. Anything to make our property better. I am a new Georgia native; he has my 100% support. I don't see why you shouldn't approve this rezoning for him. He is just going to make our county better and bring that positivity to our town. Thank you so much.

Mr. Culbreth asked if anyone was opposed to this petition who would like to speak.

Tim Thoms from 625 McBride Road. It's not my property anymore but if you see those trees in a line in the upper right corner. That is now my daughter and son, where they are building a house. So, we are a couple of lots down from Mr. Battle. My property and I am proud to say that I am one of the few remaining farmers in Fayette County and have farmed that property for almost 30 years since 1996. I grow trees for the landscape industry. My property is up and above and further east. I have been a citizen of this county since 1984. I have put a lot into this county, and I have sat where you sit now for many years. I appreciate your sacrifice and willingness to come up here twice a month to do what you do because it is a thankless job. But we have made Fayette County a better place because of our service. I don't have any ill will towards the applicant. I just spoke to him for the first time today and just met him for the first time tonight. I have spoken to other people who know him and from everything I have heard, he is a fine individual. I have no ill will, but what I have come here to do is to oppose the petition. I know it meets the land use plan, but that 2.1 acres is barely within the density of that land use plan. Even across the street, the density is higher at 3 acres. We are on the fringe. I have been working that area for 30 years and I wanted my kids and my grandkids to take advantage of that too. Again, Mr. Battle has done a tremendous job of cleaning that place up...it was a pig sty. There is a lot of nefarious activities that have gone on on McBride over the years, such as the chandelier that hung on the pole in the yard (just kidding). The concern I have is that I don't think Mr. Battle will be able to do what he wants to do on that property. That house. The paper I gave you that has the red line around the shed. That is a 1,900 s.f. building as it exists as an accessory structure. Zoned A-R, I think the former owner said they were using it for agriculture, but allegedly they were using it for other nefarious purposes. It is just not going to fly to build unless you take all of those accessory structures down and start from scratch. I feel for the man because I know what my children have gone through to build their house. It is not easy in Fayette County to do what you want to do, and we go by the law so that good actors can be good actors and bad actors can't get away with anything. It makes it tough on us, but we have laws for a reason, and it has helped Fayette County for many



years be Fayette County and not someplace else. I think it is in your judgment to recommend denial to the Board of Commissioners. If you so happen to wish it to be approved, I think you can condition it so that all the accessory structures have to be removed. Mr. Battle can come in and build a house because the one that is there.... I have not been in it...but I know how it has been treated and I think there isn't any question that it is going to take a lot of work. It is in bad shape. Not to mention, it is way outside of codes, setbacks, etc. He has a lot of things to figure out. Someone told me a long time ago from the Zoning Board of Appeals that whenever you grant those appeals, you are allowing someone to break the law. We have this process that asks for rezoning, but we are still asking you to change the law that applies to the rest of the county. So, I would like you to look over the situation. I mentioned the nefarious activities that have happened on McBride Road for the past two or three decades. I guess before Christmas we were back in my house, and we see all these red and blue lights and we thought Oh my Gosh something else is going on McBride Road. The blue and red lights were up in the shed area. There was no shooting going on, which happened on McBride Road. So, we figured it was not that bad. Mr. Battle does work with law enforcement. He equips our sheriff, and fire department with sirens and lights for patrol cars and emergency vehicles. It is done in that shop. That is an illegal activity. He told me he lived off Hilo Road and he did the same thing in a shop he built there. I know his intentions are good, I just don't know that he can do what he wants to do. He ought to be able to do that in a commercial or industrial area where that kind of business should be done and not in an A-R setting. I appreciate your time.

Mr. Culbreth asks if anyone else is opposed.

Mr. Randy Boyd requested to make a rebuttal. He stated that he has known Mr. Thoms for quite a few years. As far back as when he sat on the board. He has always been very fair, but I do think he is incorrect that if you grant a variance, you have broken the law. Because granting a variance is just part of the zoning process. It's the last chapter that you have a remedy, so you are not breaking the law, but you are just seeing if those can be applied to situations where you can make that work. Mr. Battle is trying to clean that up, so it is proper zoning. It is zoned for 1 unit for 2 acres. The final product will be right at 2 acres once we dedicate the right of way. Mr. Battle will apply for all the variances. He will work with Planning & Zoning. They have done an excellent job so far. When we get into the project, there will probably have to be some more variances that we will have to apply for. They have been kind to give us enough time to do that, and we would like to go through the process of the next meeting to see if we do get the zoning. We will work with them, and I believe he will go for the variances that go along with the rezoning. Thank you.

Mr. Culbreth asks if there are any questions or comments from the commission.

Mr. Oliver has a question for Mr. Boyd if he was o.k. with the conditions, specifically in item 3 the 180 days.

Mr. Boyd says yes sir we were going to try to present it at the next Zoning Board of Appeals deadline, which is February 3<sup>rd</sup>, which the staff has talked to us about. Then I was thinking that the 180 days would be from the rezoning which gives us the time to work on that. I am going to be working on it anyway. So, yes, we will apply shortly thereafter if we are approved, and we have the right of way deed. So, yes, we agree to the conditions. Thank you!

***Danny England made a motion to approve Petition 1338-24 with conditions. Jim Oliver seconded the motion. The motion passed 5-0.***

7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

Debbie Bell reads the staff report for Petition 1339-24 a rezoning from R-70 to C-H for the purposes of extending the septic line from neighboring parcel to the south and possible other commercial uses. Staff recommendation as defined in the Fayette County Comprehensive Plan; Rural Residential-2 is designated for this area so the request for C-H zoning is not appropriate. Based on investigation and staff analysis, staff recommends denial of the request for rezoning to C-H.

If the request is approved, the recommended conditions are as follows:

#### RECOMMENDED CONDITIONS

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. The revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan shall be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

Staff would like to note that on November 27, 2023, the adjacent parcel, 1552 Highway 85 South, did apply and was granted a variance to allow the septic drain field to encroach into the zoning buffers within that parcel. The property is currently identified as tract two on the minor subdivision plat of U.S. Station. In 2005, the owners at that time applied to rezone the property from A-R to O-I to construct an office park but the Board of Commissioners approved rezoning of the property to R-70. In 2014 a plat was presented that created four approximately 5-acre lots that you see today. The parcel is in the center of the county on Highway 85 South. This is next to the old U.S. Station which is under a redevelopment plan. This is the parcel that is subject to the rezoning. The land use plan shows Rural Residential. There are no environmental factors affecting the property and it is currently an undeveloped property.

Mr. Culbreth says thank you and asks if the petitioner is present.

Hello, I am Rick Lindsey representing the owner. The owner is Thomas Crossroads, LLC. I have with me tonight, Ed Wyatt, John Cook, and Blake Wyatt all from Green Oil which is the parent company of the LLC, and contractor Neal Brown. If we have any technical questions, I will have Neal come up to answer the technical questions. As Debbie said, we are seeking a rezoning to C-H. The property she was speaking about, part of the old U.S. Station just to the South is zoned C-H. We would like to put the drain field for the septic system on this property. Back in November, a variance was granted by the Zoning Board of Appeals in case the rezoning didn't happen here, but a better plan really is to put the drain field for the septic on the southeast corner going away from HWY 85. It is a 5-acre

tract. It is currently zoned R-70, and you may remember at one time was part of the U.S. Station. The convenience store that is being redeveloped. Here is a photo from 1983 that shows the U.S. Station which expands three different lots. Each of these lots has different zoning R-40, C-H, and the property we are talking about this evening is R-70. If you can see those vertical towers, those are gas tanks. It was a truck stop which first came into operation in the 1960's. So, 60 years ago it was a truck stop and continued being used for fuel. The asphalt has remained on the site and has been used continually until my client shut down the property for redevelopment. He uses driveway access for the property. It has been used to park school buses, dump trucks, and other large vehicles, but never for residential. It has always been used commercially or in some commercial fashion. Debbie Bell displays an aerial of the property. Rick Lindsey says due to the nature of the shape of the property, it is not easily developed. It is bordered on the south by C-H and also R-40, and R-70 to the North, and across the street a church, middle school, and a vacant property owned by the Islamic Center of Atlanta. Whitewater Middle School, Whitewater High School, and Sarah Harp Minter, so a lot of heavy users of this highway are on this road. We are proposing to rezone this property to match the other property that is being redeveloped to C-H. So, they may be combined, and the septic system is put along the southern southeastern portion of that. Having the septic system will assist in the buffering of that property from the neighboring residential to the south. The properties to the east are all over 2 acres. They are all large deep properties. We will certainly want to keep the buffers from the residential property. This property is in the land use plan as low-density Rural-Residential 2. That is really a mistake. The property has never been used residentially and never will be. When the property was rezoned in 2005 it went from A-R to R-70. The applicant had sought O-I zoning. I am scratching my head as to how it ended up being R-70. R-70 is a little easier to zone residentially. If you recall A-R the minimum lot size is 5-acres. R-70 is 2. That was in 2005 and you can see it still has not been developed. Part of the parcel to the left has been used commercially for all these years, since the 1960s. So, what we are looking at getting a zoning on this property that meets reality. You can call it residential, but it is really a square peg in a round hole. I guess it is really a pentagon in a round hole. It doesn't fit. I have looked at all the properties on Hwy 85. There hasn't been a residential house that fronts on Hwy 85 in the last 40 years. It is a reality that this part of 85 is busy, and 4-laned if you count the turn lane. We also know that one day GDOT has plans to 4-lane 85. So, in reality, it is something other than residential. Back in 2005 the former property owner applied and was denied for O-I. So, what happens if this is developed commercial? For one, it really benefits the area. For one, you can increase buffers. The nice thing in Fayette County is that we have nice zoning here. We have the overlay district which will oversee the parking, architectural style, lighting, landscaping, and overall look. The zoning ordinances we have here will control the buffering so that we don't have properties on top of each other. And at least 40% have to be left where it is not covered with any impervious surfaces. So, we will be able to get rid of that asphalt in the front. So, we are proposing that it will look like commercial property. And if the asphalt is removed there will be no access onto 85. Which really screams that it should be combined with the property to the south. Ironically, if it gets put back to what it was years ago when it was the U.S. Station. So, my client wants to move the septic drain field. It will make it a much better drain field to the southeastern portion of the property and then in the future, develop it commercially. The small commercial center will come off of the convenience



store that is being redeveloped now. It is going to be nice because he wants it to fit with the higher-quality convenience center that he is going to be building. It is a uniquely shaped property, and it is a small property, particularly when you think what is going to be taken by the septic system and the buffers. So, it won't be a big box or medium box, it will just be a small neighborhood commercial property that will offer products and services for the residents and the people who would be commuting up and down HWY 85. The property really needs to be zoned in a realistic manner where it is commercial and matches the property to the south so they may be combined into one. The septic drain system is put where it needs to be so it will increase the buffers and it will be one cohesive commercial unit.

Mr. Culbreth asks if anyone else wishes to speak in favor of this petition. Is there anyone who would like to speak against? If not, we will bring it back to the board.

Again, I am Tim Thoms and I live on McBride Road. McBride Road is about 200 yards to the south of the U.S. Station. I used to visit the station long ago and when it was the U.S. Station, that is fine because it is a grandfathered commercial zoning. There is no commercial intentionally until you get to Starrs Mill. This is by intention design. I think you have every reason to deny this as it does not comply with the comprehensive land use plan at all. Besides that, the two properties at the bottom of the screen, those I believe front on McBride Road and one of them...the people have lived there for ten years. The zoning was denied for O-I. It was rezoned R-70. So as eloquently as Mr. Lindsey spoke in promoting this development, it is difficult to defend sometimes, and you have to grant a zoning that can be defended in court. That is why it is R-70 instead of A-R. This is not a spot to enlarge the commercial area and get that started on the south side of the county between Fayetteville and Starrs Mill. Fayetteville is already creeping down in terms of development and that is not, as I understand, what citizens of the south end of Fayette County would like. Thank you.

Next speaker against.

Hello, again I am Alex Garcia. I have a few documents that I want to show, but before I begin, I want to say I met Ed Wyatt today for the first time and I have nothing but good things to say about the gentleman. If you can bring up the image with the satellite picture. I am actually the owner of 757 McBride which is this house right here (unintelligible as he stepped away from the mic). There is a huge berm. You can't see the commercial property. Mr. Wyatt reached out to me that you guys were giving him a hard time with the septic system. The way he has been so communicative...I actually wanted to buy that property from him. To turn my 5-acres into 10-acres and build a farm. So, we can get a few horses for my little girl over here. Unfortunately, his septic system has to be there, and he has to rezone it commercially. My wife asked if they rezone it commercial will they put buildings on there? It is one thing to put the septic system but another to have a commercial building. It is a beautiful property. I am from California and Delta brought me out. I am a veteran and I have two tours under my belt. The people are amazing, and I love it here. When he told me that when they zone it commercially, and I asked when. Mr. Wyatt said that on the north side, he wanted to put some buildings on the lot. That changes everything for me. One thing you want to consider is that the current zoning is residential. If you develop this commercially, the surrounding area will not be consistent. That could impact my property values and my neighbors as well. The neighbor right next to me is also against it. He's not here right now but he is totally against it. It might impact my property value. It might go

up or down. It's one thing to add a buffer but zoning commercial without seeing the plan. If you let him zone it commercially without you seeing the plan (unintelligible as he steps away from the mic). If he zones commercial, I will see everything right there, the trees will be gone and I will see cars, parking, people, buildings. You might want to consider before approving this get the facts. Get the plan! If he needs a septic system for the BP, I am all in favor of this because I am going to go to Dunkin' Donuts in my golf cart. I am in favor of the BP gas station if he needs to get his septic, but there have to be other channels that can be taken without giving him zoning that is commercial. Thank you.

Mr. Culbreth says thank you is there anyone else who would like to speak against Petition 1339-24 if not we will bring it back to the board. Mr. Lindsey, do you have a rebuttal?

Rick Lindsey says yes, just a couple of comments. We have a commercial property that abuts a residential property and the key to making it work for my client, as Mr. Garcia said is a very honorable and honest man who will work with the buffers in the county. So, this is not an issue. We will work with the county so this will blend in and be an asset to this community. So, it will be a small community-based, and centered retail use.

Danny England, Rick, I know you just sat down but I have a question for you. So, the first thing that I thought is that there is no room on the existing U.S. Station site for a septic system. Has the developer approached the county Department of Health and spoken with them about options for septic systems on the existing property and were they told, no?

Rick Lindsey, "Yes, because of the long-term commercial use of the property, the soils had to be taken out. So, it is problematic. That is why we have the variance to get it into the buffer. So that is going to take out some trees and a much much better plan is to put the drain field on this site.

Danny England, "So, it can be done but it would be expensive, right?"

Rick Lindsey, "We have the variance to do that now. You are going to take out buffers to do that. As Mr. Garcia said, you open it up. The better plan is to marry the residential to the commercial. Let's put the septic drain field there. Does that answer your questions?

Yes, it does, Danny England stated.

Jim Oliver asked, "Also, there are some conditions that are staff recommendations that are for approval. Do you have any problems with those?"

"No, sir my client will agree to all of those conditions," stated Rick Lindsey.

Debbie Bell asks if she may clarify something and states that she was advised originally by Environmental Health that the drain field needed to be on the same parcel with the use. Our attorneys have educated me that the drain field could be on a separate parcel with a permanent easement. There would be a possibility of putting the drain field on there without combining the two parcels.

Danny England, "So, if that is the case, is the rezoning necessary or is it just an easement onto the current zoning as is?"

Allison Ivey Cox stated, "That because it is the same property owner getting the easement would be easy. It is a separate parcel. We need an easement, and it needs to be recorded, but that is simple enough just to pass from one to the other and the buffers that had been varied would remain whether there is a rezoning or not."

Danny England, "So, no rezoning of this property but there is an easement that would allow for..."

Allison Ivey Cox, "This property owner would need to create an easement in order to allow for the septic drain fields to be on the property indefinitely. That would be recorded in the

deed record, and it would be burdening that property for the purpose of the other.”

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

Mr. Culbreth asks given what was just said, “Mr. Lindsey is that a possibility rather than rezoning the entire parcel?”

Mr. Lindsey, “I would have to look at the ordinances to look and see if that is a possibility. And with all due respect to Elliott and Dennis.... I don’t have an answer to that, but I do have this response. If you put a permanent easement there, it now cuts off more of his property and makes it even more problematic to ever develop. So, you have taken even more use of this property. Like I said it has been at least 2005 it was rezoned R-70, and it has never been developed. If the access point on Hwy 85 is removed as requested by GDOT, now the property has no access to any road. So, we have taken away the complete value of the property. It needs to be combined with the redeveloped convenience center to have the proper use of the property and put it back together as it was when it was U.S. Station and make it work and make it blend in with the area. Did that answer your question?”

Danny England, "Something I am wrestling with here is where it says intent on the petition for rezoning. It says here that the purpose of the rezoning is to extend the septic line from the neighboring parcel to the south onto this property and possible other commercial uses. So really what we are looking at here is that we are solving the immediate problem, which is the septic line, and then there is the potential for maybe some commercial uses in the future.”

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

Danny England, “So we can solve the septic issue pretty easily, right? We can get an easement. You can run septic lines all day. You can put them wherever you want and do it in a way that would not encumber the future use of the property. On the flip side of that, we had a rezoning last month on Hwy 85 that was commercial, and I think your opening statement was that this is probably never going to be developed residentially. If you look across the street those are not houses. There is the school, churches, there is commercial further south there is a gas station there. It is a little bit of a balancing act for us to figure out the comprehensive plan vs. the reality of how people are going to use this thing on the open market and what makes sense. Just trying to look for answers to all of the questions to make a balanced decision.”

Mr. Culbreth, “You made a statement that there has been no residential development in the last 40 years.”

Rick Lindsey, "That front on Hwy 85. Right, and I was on the Fayette County tax map, and I went from Harp Road on both sides and looked for a house that fronts on 85. The most recent one I could find was built in 1982. The rest were in the 50's and 60's. Now if they have driveway access on some of the side roads, there has been more recent development, but the ones that front on 85...when Fayette County was a sleepy, slow, more rural county. It has been a long time since Fayette County has been sleepy. We moved in '87 and it was considerably sleepy compared to today. No one is going to build a home that fronts on 85 today. That is just the reality. We want to take this property and we have a use for it. Everyone has a right to have a use for their property and not have that taken away and make it blend, look nice, and be an amenity for the area. Not something that is a blight. I am not

saying this is blight, but having all that asphalt there is not attractive. Let's do something that makes it better than it is today. I hear not wanting commercial to march all the way down 85. Here you are in an area that has already been used commercially for 60 years. It would make it look much better. That's what we are trying to do."

Mr. Thomas, "Have you developed an impact study in regard to placing future use commercial there and how it would impact the traffic from the school daily and the ingress and the egress of the school right across the street and the proximity of it being so close to the new light on Harp Road. That light was not there before. Have you done any impact study or spoken with the Department of Transportation regarding the traffic light?"

Hello everyone, "I am Neal Brown with All-Span Builders. I have been handling the demolition of the old U.S. Station. Thank you to the Planning Commission and Deborah and Debbie for all the work that has gone on for this facility. To answer the question about the traffic study. I had a meeting with Stanford Taylor with DOT earlier this week and it is their wants to terminate the driveway across from the school and make the two driveways that are in place now, the active driveways. And do frontages approach to the left and the right, so yes it has been addressed but not on a formal study yet, but I did have meetings with DOT before this meeting tonight. So, we are in agreement to get rid of the driveway on the northern end and then your traffic will come in the two where they are already approved, and they would access that property on the frontage drive. I guess I have been through two pre-con meetings on this project, and everything has focused on the construction of the facility. This is the first time this option has been presented from legal stating that we could do this easement on this other piece. From the very beginning, Bonnie Turner, from Environmental Health said that the property owners' names had to match, and the zoning had to match. So, that is the reason we have got to this point. And I have multiple variances on this project because of the configuration. Honestly, I thought it was zoned incorrectly and we were going to find out why it had ever changed from the U.S. Station. The parking lot has four entrances in three different zones. It just doesn't make any sense. Your landmark or benchmarks have been there since the 60's that is why we are asking just to get the two pieces zoned the same and it will work a whole lot better on setbacks, septic, and the whole nine yards. Everyone is talking about the improvements. How about the man over there who is spending multi-million dollars to improve what we got now? So, some consideration needs to be given there. Thank you.

Mr. Oliver states, "Mr. Chairman, we all attended a wonderful seminar this week put on by the University of Georgia talking about dealing with zoning questions to ask and they gave us a rundown of what questions to ask to determine whether to approve or deny a rezoning. There are 6 criteria, and this petition meets all but one of the criteria. A lot of that has to do with the comprehensive plan. It doesn't quite fit what the comprehensive plan is, but it doesn't look like it was ever meant to, but one of the overriding factors that I see is whether the property affected by the zoning proposal has a reasonable economic use as currently zoned as R-70. I don't think it fits as currently zoned, the reasonable economic use criteria. I don't think anyone would want to be put in a home facing Georgia Highway 85 across from Whitewater School and across from the church. There have been a lot of residences and there is nothing surrounding it that is zoned other than residential. Well, right across the street there is not residential zoning. It is more in the commercial vein of zoning. I don't think this is an unreasonable request. The issue of an easement came up this evening, but the petition before us tonight is for a commercial zoning. We either



deal with it now or deal with it later. We are merely a recommending body, and the county fathers will have the final say. But I don't see anything unreasonable in this request. There is no doubt that this is a commercial type of zone and not a residential zone and it is something that needs to be addressed here and now.

Mr. Culbreth asks for any further comments. If not, we will entertain a motion. The staff has made their recommendations.

***Jim Oliver made a motion to approve Petition No. 1339-24 with conditions. Danny England seconded the motion. The motion passed 5-0.***

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Debbie Bell reviews the staff report for Petition 1340-24. The property is located in land lot 5 of the 5<sup>th</sup> district and fronts on Harp Road, Highway 85 South, and Old Senoia Road. According to the Fayette County Comprehensive Plan, the property Rural Residential-2 is designated for this area so the request for C-C is not appropriate. The planning & zoning staff recommends denial of the request for rezoning to C-C. However, if the request is approved, the recommended conditions are as follows:

#### RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

The property is a non-conforming lot because it does not contain the minimum required acreage for an A-R zoning district. It is located in a highway overlay zone, and it is just north of the highway we just looked at by half a mile. This parcel is bounded on three sides by the roads. You can see that it is A-R zoning and a lot of property in the area is A-R zoning or R-40, medium to low-density residential. Here is the land use plan which recommends rural residential to the south and low-density residential to the north of Harp Road. There are no significant environmental factors that appear to affect this site. Here is an aerial view of the undeveloped property.

Mr. Culbreth asks for the petitioner to come forward to speak.

Hello, my name is Darrell Baker and I represent the landowner and the potential future landowner of this site. I have asked Deborah to hand you a copy of the plat for this property that was recorded back in 1979. This plat and piece of land was divided by Mr. Young who was also a farmer and developer and who owned this land and the land where probably a lot of the citizens here tonight are from, and their homes are which is now called Rebecca Lakes. He subdivided that land and many of the streets in Rebecca Lakes are named after his family and his kids. I think if you look at that plat, this piece of property has been a concern since they platted. That plat specifically states, that when he platted with the county it says 'future commercial use' why do you think he would do that? As a farmer and a developer, he realized that the property was bordered on three sides by roads. You guys

hit the trifecta tonight because you are considering three commercial properties tonight in an area of the county which is growing. I get that a lot of people will stand up and discuss the county changes, and I get it, I was born here 60 years ago. I have watched this county change. Change is inevitable. I have farmed the land where Towne Center and Summit Point sit right now from the time, I was 9 to the time I was 18. So, you can imagine how much this county has changed in 60 years. I think Mr. Oliver made a good point, when the comp plans are considered, the question is do they look at every piece of land in the county? And the answer is no. If you look at this property, there is nothing other than houses around it that say it is a good piece of property for A-R residential. It is non-conforming; it is only 4.03 acres, and it doesn't even meet the 5-acre mark. It has been encroached by state highway improvement. It has been encroached upon by improvement along Harp Road. When Mr. Davis bought the property, Old Senoia Road was a gravel road. So, you now have the improvement of Old Senoia Road. So, through no fault of his own whether through road improvements or zoning updates which have made, this a non-conforming lot. All of these changes...he now has a piece of property that I don't think anyone in this room would build a house on. I could be wrong. I know that I wouldn't. I wouldn't want to be bordered by roads on three sides. I get that no one likes to change, and no one likes growth. Let's talk also about what is happening up the 85 corridor. I heard a comment by Mr. Thoms about commercial development. There is commercial development all up and down 85 South. If you look there are 4 signalized intersections up 85 South from the city limits all the way to where you go into Senoia. There is Ramah Road there is the Racetrack and even though it is in the city, it is also in the county. Then you get to Harp Road and that is the piece of property we are considering. Then the next piece of property is Bernhard, and you have fuel, retail, convenience, an office, a church, and a fire station at Bernhard Road and 85. The next intersection is Padgett Road, Hwy 74 and 85. What has been approved on two corners of this intersection is fuel and convenience. So, tell me what makes this property different than those pieces of property? Most of those properties are surrounded by residential. Most of those properties are parts of larger R-R tracts. So, I represent a gentleman who has owned this property for 41 years. He bought it from a gentleman who already knew that this property would probably never have a house on it due to the nature of the property. Through hardships not created by the landowner himself, he now has a non-conforming piece of property. I hate to say it but of the 60 years I have been here, I have been developing for 33 of those years. I have been a change agent here on things that people haven't liked. I have been a change agent on things that people have liked. I have friends who live adjacent to this property and friends in Rebecca Lakes. One of my friends growing up, his father is here, and he owns the immediate track to the north. There should be something said for landowner rights and there are certain things that have happened to this tract that have made it a non-conforming tract. The other four intersections the other three you have fuel. Let me give you another statistic. I went and looked at all the signal lights in Fayette County proper outside of the city limits. If you look at Hwy 85 N, 85S, 54E, 54W, 314, 92 N, 92S you have 22 signalized intersections. Of those 22 intersections, we have fuel and convenience on 13 of the 22 intersections. Of those 16 are commercial tracts with commercial uses. You have 5 tracts that don't have any commercial because when the signal was installed all tracts that touch that intersection were already zoned with residential houses. One tract that is totally different than the rest of them and that is the intersection of New Hope Road, 92 South, and Lees Mill where you have the historic

church, the community center, and Fayette County Water. So, the majority of signalized intersections throughout the county have all changed in the character of the piece of property. So, I represent an owner and a potential buyer who is a credible developer. He has done this a lot of times, and he is willing to conform to an overlay.

Ms. Bell states that the property is located in the state route overlay.

We are willing to develop to the standards of the overlay which would be residential in nature. We have potential elevations already...all brick, the gabled roof, it will have small retail just like Bernhard and 85 do. We will conform to the conditions. We will work with staff to mitigate the light transfer. There will be additional buffers required and any other conditions that staff may have. Again, we understand that this is not popular, and this is an issue, but I gave you the plat that was recorded. Those are addresses of homes in the area and when they were built. Based on when this land was platted. You can see most of these homes have been built from 1993 and out and have been platted since 1979 and it says future commercial use. We understand that this does not guarantee rezoning, and he did not go and get it rezoned at the time. Early on when he was discussing this with the county about making road improvements and they were talking about paving Old Senoia Road. He came to the realization as a developer that there was going to be no way that anyone was ever going to build a house on this piece of property. Look how old this property is and there has never been anything on it. It is just like the U.S. Station. It has been like that forever and with all the land around it, you are never going to get anyone to develop a lot and build a house. I am here to answer any questions. Change is hard and unpopular.

Mr. Culbreth asked if anyone else would like to speak in favor of the petition? Is anyone in opposition? OK, I see a lot of hands. Have you selected a speaking leader for you?

Hello, my name is Harry Sweatman. I live at 516 Old Senoia Road. I am next door to that lot. I have known Mr. Baker for 50 years or so. He made a statement that this lot was non-compliant. I assume it is non-compliant for someone building a house. Mr. Davis clear-cut that lot some 20 years ago which maybe made it non-compliant...I don't know. At the time, that was an old-growth forest almost. I don't think it was actually old growth, but it had some large, mature trees. Mr. Lindsey stated that there hadn't been any houses built facing 85. That's wrong. There has been plenty of houses, I believe from Perry Creek all the way to Harp Road. Some of them in the last 10 years or so. There is nothing but homes and churches. I don't know what he plans to do about light pollution because if he does do that my biggest hope is it would be something like a Dollar General because they do close. He is going to have light on there all the time. When I got there and heard it was going to be a service station, I was real upset about it. I also have one question, what happened when the county said that there would be no commercial development along the proposed west bypass? Have they changed that or changed the route? I have only lived here for about 40 years and in the county for about 50 years and all that growth is not pretty and doesn't justice to this county. Thank you.

Next speaker against.

Good evening, my name is Russell Blythe from Herons Landing. Commissioners, I am president of the Herons Landing HOA. We are a neighborhood of about 18 homes and the entrance is about 800 feet up Old Senoia Road from this proposed site. Many of our homeowners have school-aged children who attend Whitewater Schools and catch the bus right on Old Senoia. A number of our homeowners are here tonight, please raise your hands so we can see you. The planning and zoning staff has recommended denial and I think that

is the right decision. The subject property is surrounded on all sides by properties that are zoned residential. There are commercial properties about ½ mile to the south that we spoke about earlier tonight. This property is meaningfully different from the property we spoke about earlier tonight. The gas station that was there has been there for 6 decades. For the property of this petition, there has been nothing but trees and grass. There has not been anything on this property and that is the way it should stay. Unlike the other property too there is no access to the other property except on Hwy 85. On this property, there is access to Old Senoia Road and Harp Road in addition to Hwy 85. Regardless of what has happened on Hwy 85, there have been plenty of homes built on Old Senoia Road in the past 10 years. It is a perfectly reasonable use as a residential property. This is nothing like the property to the south. The nearest commercial property is nearly 2 miles away at the old Trading Post (1045 Highway 85 South). There is not a single property zoned commercial on Old Senoia Road. There is not a single property zoned commercial on Harp Road. Mr. Baker speaks with a silver tongue, and he is very persuasive. He mentioned that there are a lot of gas stations in town. I agree. There are a lot of gas stations in town. There is clearly no need, at this time to rezone an area that is clearly residential on all sides to put up another gas station. We don't need it. We are going to have another one ½ a mile away. We have one 2 miles in either direction. This is not a need for this county. The only need is for this owner who wants to transition this into commercial property to make some money off of it, but that is not going to be of benefit to the people who live in the area. There would be some significant hazardous impact. As I mentioned the residents in our area have a lot of children who catch the bus on Old Senoia Road. That is not intended to be a commercial artery. The last thing Old Senoia needs is more traffic, and it is sure to negatively impact the traffic on Harp Road as well. On behalf of the HOA at Herons Landing and the residents of the surrounding area who chose to live in a rural residential area, we request that you deny this petition.

Mr. Culbreth, "Anyone else wishing to speak against this petition?"

Good evening, my name is Paulette Roberts, and I am the President of the HOA at Rebecca Lakes yes, we have a large number of our residents that are here today. Our neighborhood has 100 homes, and we are right across the street to the proposed change. All the properties are zoned residential in the surrounding area. Although this is supposedly a non-conforming lot of 4-acres. The property just south of it was rezoned from A-R to R-70 changing a lot from 6 acres to 3 potential 2-acre lots. All residential. So, in keeping with the plan for this part of Fayette County. This is a very residential area and does not seem to fit that this particular property would be changed to commercial. The reason my husband and I were drawn to Fayette County was the comprehensive use plan and the respect for the residents who currently live there. By putting that as a commercial property, you are adversely affecting all the residents who live on those 4 corners. I don't believe that would be of the best use for all the residents who live in this area. As Mr. Blythe mentioned, there is economic use for this property if it stays residential. You could access it from Old Senoia Road or Harp and that is very possible. The way this change would adversely affect the property owners with a drop in property value, increased light, traffic, and possible water issues. We have 3 lakes in our neighborhood, and we don't need extra water heading our way. Finally, we have a lot of children and there are a lot of things sold in convenience stores that we don't want children to have easy access to. So, I would ask you to please consider the family aspect of Fayette County and how the southern part has always been



that way. We ask for the denial of this zoning change.

Thank you. We have 11 minutes left. Anyone else?

My name is Jessica Kennedy and I live on McElwaney in Rebecca Lakes. Paulette brought up a few of my points. The gentleman had spoken about not having driveways with road frontage and across from this, you guys approved a plan with a driveway to Harp and the other two are going to have driveways off of 85. So, I am not sure anyone would want to build a house knowing a gas station would be across from it. Paulette had brought up the ponds and the lakes. I actually own one of the ponds and the runoff comes from Harp and travels down the backs of McElwaney and Youngs. The runoff comes from there and drains into our pond. We do have fish and turtles. It actually drains down to the larger lakes. I have a concern if you were to take away all the grass and the soil and have concrete what the runoff would be? Also, down Old Senoia, you have the bird sanctuary, and I am sure that the runoff would affect that, and it is something that should be protected. I know someone said it was a triangular lot, but a triangular lot that you can put three homes feels a little more abnormal to build a home on. Like I said we have 99 homes in our neighborhood, we have Herons Landing, another neighborhood across from that area. It is going to devalue our home to have a 'stop and stab' there. I just can't imagine having a want or need especially if you guys just approved a vape store to go across from the middle school. I am not even really sure what you guys approved. I don't know how much business we would really want here. My husband and I chose our home based on the school system. If we start putting a gas station on every corner that can be robbed, now we have crime. Another thing to point out is there is a cut-through from the middle school to our neighborhood and I have actually sent two children back to the middle school during school hours. I don't think we want middle school children leaving school to walk through our neighborhood to go get their vape pods. That is just not conducive to the life I have built here in Fayette County. I grew up here. I lived on the north side of town. My mom still has a beautiful house there and she recently moved into our neighborhood. We don't want to turn into what was over there. I know we think we have a lot of homes, and we couldn't do that, but if we take every spare corner, we absolutely could! I am highly opposed to it! Thank you!

Mr. Culbreth, is there a rebuttal or another speaker?

Tim Thoms from McBride Road again. You bring three rezonings within a half mile of my house and I am going to come up here all three times. I hope I don't jinx these folks since I am 0 for 2 but I am up here batting with 2 strikes. I hope they talked to you at your seminar with the University of Georgia about spot zoning because this is the definition of spot zoning. If you approve this, you have practically tripled the commercial zoning in this area overnight if the Board of Commissioners approves it. And if you look at the other corners you are probably going to quadruple it. So, you are having a huge impact tonight, and I am extremely disappointed.

Thank you, sir.

Mr. Culbreth, ok sir. Thank you is there anyone else? Do we have a rebuttal?

Darrell Baker addressed the board for a rebuttal. The non-conforming lot piece is because the A-R zoning category requires 5-acres so that is why it is considered a non-conforming lot because it is only 4.03-acres. If you want to know how it got to 4.03 acres look at the roads around it. Look at the road expansions around it. So, we have had quite a few people talk about how commercial stops at the old Trading Post (1045 Highway 85 South). That's

not the case. If you go slightly south of that on the left side of the road, you have the Art of Landscape. That is a commercial business, not a residential use. So, you have more business beginning to move. Mr. Sweatman was concerned about it being open all night. The developer (Mr. Sing) who would be developing this would only propose being open from 6 am to 10 pm. I am sure that the county is going to require us to put cut-off shields on the lights that stay on, forcing the light straight down, which will aid in stopping light transfer across the property. And there will be required improved buffers that will be required by the county. On the new lots that were approved by the county. Only one of those lots (and it was the petitioner that got it approved) is bordered by two roads and that is the corner lot that was approved by Mr. Win Lee was approved. His lot borders Harp Road and 85. The rest of the lots front on 85 and the back of the lots are on Rebecca Lakes. So, they are not bordered on 3 sides and the majority are only bordered by one road. With regards to run-off, I would refer you to the staff report where the different departments weighed in if this were granted what would have to happen? I would refer you back to the statement that says this is not in a run-off area, it is not in a FEMA area, it is not in a wetland area. Any water that leaves the site will have to meet certain regulatory guidelines for water quality. We can't just develop anymore and let it run off into the detention ponds. We now need to spend a lot of money on water-quality structures. We now need to provide a rebound for additional water. Basically, when we develop a site, it has to drain like it did in an undeveloped state. Now the guidelines are even more stringent, where you have to clean the water even more before it leaves the site. The skeptic in me says I wish this were just about protecting property values because again these subdivisions were built after this land was platted. Whippoorwill Ridge was a piece where this was created. The homes subsequently were built after this lot was platted this way. Rebecca Lakes was subdivided and built much later than what happened down Old Senoia Road. Mr. Blythe spoke up from Herons Landing and if I remember correctly the first house built in there is the first house on the left and it was built in 2014. I asked the folks that are here when you come into an area and buy a home, how much research do you do? Do you look at the lots around you, do you look at the plats, do you see what people have designated to happen around you? When you buy a home one house off the state highway, do you ever think, the nature of this area could change? I have heard several people talk about how this is still a great residential lot, well, why didn't you build your house there? If it is a great residential lot, then why didn't you build there? Why did you move inward down to Harp Road or Old Senoia? The reality is this is not a residential lot and hasn't been one for a long time. If a lot is not allowed to be developed for something other than A-R, then it will never be developed, and you are taking away the landowner's rights of the man who has owned it for 40 years and the rights of the person before that.

I am Stan Parrott and I live off Harp Road on McElwaney. I have known the landowner for a long time. He is a very fine fellow. I don't want to inhibit a person from being able to achieve or buy land or develop it that they have paid taxes on for a long time. But well, a convenience store, my wife and I added a screen porch because of the mosquitos. We enjoy sitting outside in the evening. And I am all for the light that you put up there, but the noise increased substantially because people stop and then they take off. We do know that the noise, when they develop, the property is going to increase again substantially because of the elevation is higher up and I know that the sound is going to carry, I know some

neighbors when they were trying to sell their house the peoples' comments were how noisy it was due to Georgia 85. We are just adding to it and noise is my biggest concern. I don't know all of the dates, but our home was built in 1994. It wasn't the first house built in Rebecca Lakes. So, I know Mr. Warren Young who is now deceased, and any comment that he may have made about that being a commercial piece of property. It was quite rural back then, of course, if he was still if he was a neighbor like his son is I know he wouldn't approve of that land as a commercial property. As far as a business, if you have a business there that closes at normal business hours like 5 or 6 pm then that's fine, but to have a convenience store. One of the ladies who spoke about North Fayette County earlier. In North Fayette County there is a QT up there and if you go up there at certain times of day, you see people hanging out there and that is a busy station. We have grandchildren now and they stay with us at certain times of the week, and I look at what are you inviting there? People who hang around. You see some people just walking down Georgia 85. There are some homeless people I have even spoken to who just hang out there. The main thing is just the quality of the neighborhood. We all feel like this was a nice neighborhood. This was the border for going to Fayette County High School and then they built Whitewater High School and the lines changed. If someone was looking at our house, well we are going to add more noise. This is what we are concerned about for when we have to move. If a commercial use comes in, I don't think there is a future there for us. We love our neighbors. Thank you.

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"

***John Kruzan made a motion to deny Petition 1340-24. Danny England seconded the motion. The motion to recommend denial passed 5-0.***

9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single-family residential parcel.

Debbie Bell reviews the staff report for the above-referenced petition for the purpose of combining the property for a single-family residential parcel. As defined in the Fayette County Comprehensive Plan Rural-Residential-2 is designated for the request for R-70 is appropriate. Based on the staff investigation and analysis staff recommends conditional approval with the following recommended conditions:

#### RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of the rezoning, or prior to the approval of any additional building permits, whichever comes first.

Debbie Bell shows a display with an aerial of the previous United Soccer Training Complex property. It is now zoned so I did some creative coloring to illustrate. Mr. Ed Wyatt owns these two properties to the north. He is proposing to purchase 10.95 acres from the larger parcel. In order for him to combine that with his property it needs to be rezoned to match his property which is R-70. So, he is requesting to rezone this one from A-R back to R-70 which is consistent with the land use plan. It is undeveloped property. There is some floodplain, and he is aware of that. It does not affect the viability of doing the rezoning, but it is a factor on the lot. Debbie Bell projects an exhibit provided by a

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

Yes, sir, my name is Jeff Collins and I hope this doesn't take too long and it is less controversial. Ms. Bell did a fantastic job of explaining it, so I don't want to overdo it. The intent here today is to subdivide the 10.95 acres so it can be conveyed to Mr. Wyatt and in order to combine it, it must be like zoning. So, to have the same zoning as his property, which is R-70, we need to rezone to the same so he can have a little more space there.

Mr. Culbreth asks if anyone else is in favor. Is anyone against? If not, we will bring it back to the board for discussion and questions.

Danny England asks if there is a gas station on this property and says let the minutes reflect there is no gas station on this property. Our first rezoning without a gas station tonight.

Mr. Culbreth, discussion?

***Danny England made a motion to approve Petition 1341-24 with conditions. John Kruzan seconded the motion to approve with conditions. The motion passed unanimously.***

**ADJOURNMENT:**

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

\*\*\*\*\*

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

---

**JOHN CULBRETH, SR.  
CHAIRMAN**

**ATTEST:**

---

**CHRISTINA BARKER  
PLANNING COMMISSION SECRETARY**



## OATH OF OFFICE

### STATE OF GEORGIA COUNTY OF FAYETTE

I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

Sworn to and subscribed before me this 1st day of February, 2024.

  
Boris Thomas

  
Witness

  
Notary Public



**PLANNING COMMISSION RECOMMENDATION****DATE:** February 1, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1338-24, the application of Mr. Jerry and Ms. Melissa Battle to rezone 2.140 acres from A-R to R-72, be:

570

☒ Approved      ☐ Withdrawn      ☐ Denied

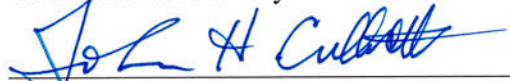
☐ Tabled until \_\_\_\_\_

☒ Approved with Conditions \_\_\_\_\_

**RECOMMENDED CONDITIONS**

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of McBride Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

This is forwarded to you for final action.

  
JOHN H. CULBRETH, SR., CHAIRMAN

  
JOHN J. KRUZAN, VICE CHAIRMAN

  
DANNY ENGLAND

  
JIM OLIVER

  
BORIS THOMAS

**Remarks:**

STATE OF GEORGIA  
COUNTY OF FAYETTE

**RESOLUTION****NO. 1338-24**

**WHEREAS**, Mr. Jerry Battle and Ms. Melissa Battle, having come before the Fayette County Planning Commission on February 1, 2024, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 2.140 acres from A-R to R-72 for the purposes for the purposes of constructing a single-family home, in the area of McBride Road, Land Lot 252 of the 4th District. Property was subdivided after November 13, 1980. The lot does not meet the nonconforming legal lot of record date, nor does it meet the minimum requirements of A-R Zoning. Applicant will need approved variances if non-conforming structures are to remain; and

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

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

**RECOMMENDED CONDITIONS**

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of McBride Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.




This decision is based on the following reasons:

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

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

  
\_\_\_\_\_  
**DEBORAH BELL  
PLANNING & ZONING DIRECTOR**

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**PETITION No (s):** 1338-24

STAFF USE ONLY

**APPLICANT INFORMATION**

Name JERRY BATTLE, JR. & NEUSA  
 Address 455 MEADOWDALE DRIVE  
 City FAYETTEVILLE  
 State GA. Zip 30215  
 Email \_\_\_\_\_  
 Phone 770-776-9117

**PROPERTY OWNER INFORMATION**

Name SAME AS  
 Address APPLICANT  
 City INFORMATION  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone \_\_\_\_\_

**AGENT(S) (if applicable)**

Name RANDY M. BOYD  
 Address P.O. BOX 64  
 City ZEBULON  
 State GA. Zip 30295  
 Email boyd2227@gmail.com  
 Phone 404-275-1677

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone \_\_\_\_\_

**(THIS AREA TO BE COMPLETED BY STAFF)**

[ ] Application Insufficient due to lack of:

Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

Staff: Debra M. Smith Date: 12/11/2023

DATE OF PLANNING COMMISSION HEARING: February 1, 2024

DATE OF COUNTY COMMISSIONERS HEARING: February 22, 2024

Received from Jerry Battle, Jr. a check in the amount of \$ 250.00 for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: 12/11/2023 Receipt Number: \_\_\_\_\_

① updated survey  
 ② notarized owners ✓

PETITION No.: 1338-24

## OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: JERRY BATTLE, JR. & MELISSA BATTLE  
ADDRESS: 455 MERRYDALE DRIVE, FAYETTEVILLE, GA. 30215

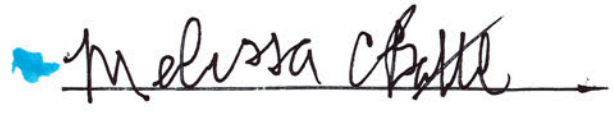
PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

JERRY BATTLE, JR. & MELISSA BATTLE affirms that <sup>they are</sup> he is the owners or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$\_\_\_\_\_ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-72.

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: SEE ATTACHEDPUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of 1st February, 2024 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of February, 2024 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 11<sup>TH</sup> DAY OF DECEMBER, 2023.

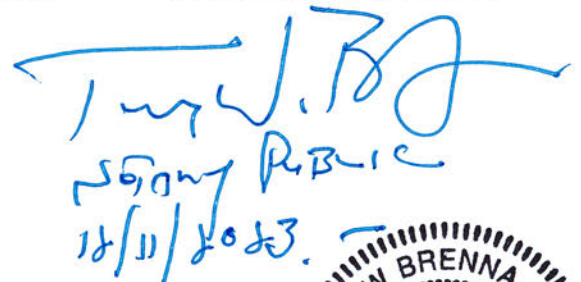
SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

12/11/2023  
Notary Public  
12/11/2023



PETITION No.: 1338-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

**PROPERTY INFORMATION** (please provide information for each parcel)

Parcel # (Tax ID): 0449 061 Acreage: 2.082 ACRES  
 Land District(s): 4th Land Lot(s): 252  
 Road Name/Frontage L.F.: McBRIDE ROAD Road Classification: COLLECTOR  
 Existing Use: RESIDENTIAL Proposed Use: RES., SHED, METAL BURG  
 Structure(s): 3 Type: RESIDENTIAL, SHED, METAL BURG. Size in SF: 1158, 600, 1800  
 Existing Zoning: AR Proposed Zoning: R-72  
 Existing Land Use: RURAL RES. Proposed Land Use: RURAL RESIDENTIAL  
 Water Availability: YES Distance to Water Line: 350' Distance to Hydrant: 350' EAST  
EAST ON NORTH SIDE OF McBRIDE RD.

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 BATTLE, JR. & MELISSA BATTLE

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0449 061

(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) 252 of the 4th District, and (if applicable to more than one land district) Land Lot(s) — of the — District, and said property consists of a total of 2.082 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(I) Melissa Battle

Signature of Property Owner 1

455 Merrydale Dr Fayetteville  
30215

Address

Signature of Property Owner 2

455 Merrydale Dr Fayetteville  
30215

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

P.O. Box 64  
ZEBULON, GA.  
30295

Signature of Notary Public

12/11/2023

Date

Signature of Notary Public

12/11/2023

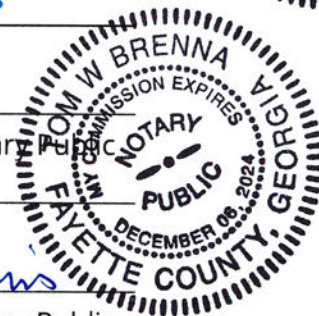
Date

Signature of Notary Public

Deborah M Sims

Signature of Notary Public

Date



Deborah M Sims  
 NOTARY PUBLIC  
 Coweta County, GEORGIA  
 My Commission Expires 01/05/2027

REZONING APPLICATION - 5

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

I/We, JERRY BATTLE, JR. & MELISSA BATTLE, 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 40 FEET 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 11<sup>TH</sup> day of DECEMBER, 2023.

  
SIGNATURE OF PROPERTY OWNER

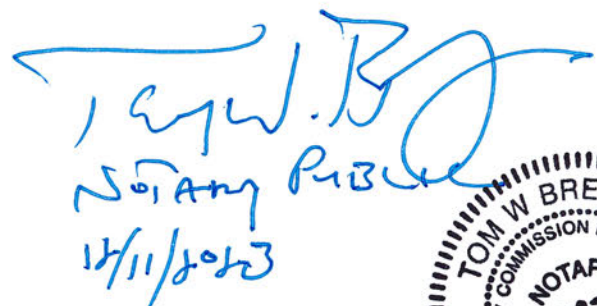
  
SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

12/11/2023



  
NOTARY PUBLIC  
12/11/2023



REZONING APPLICATION



## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address:  
[www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".  
☒ 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 11th day of DECEMBER, 2023.

 Melissa Croft - J. B. Croft  
 APPLICANT'S SIGNATURE

**DISCLOSURE STATEMENT**

(Please check one)

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

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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



## CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

Type: WD Page 72 of 210  
Recorded: 4/10/2023 12:18:00 PM  
Fee Amt: \$230.00 Page 1 of 2  
Transfer Tax: \$205.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Please return to:  
Lawson, Beck & Sandlin, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 23-LAW-0313

Participant ID(s): 1138094925,  
7067927936

**BK 5603 PG 624 - 625**

STATE OF GEORGIA  
COUNTY OF FAYETTE

3

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 7th day of April, 2023 between

**Janet C. Mask**

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

**Jerry Battle, Jr. and Melissa Battle as Joint Tenants With Right of Survivorship**

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

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

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 227.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

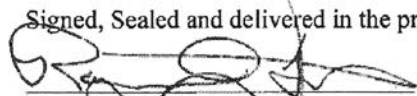
Subject to restrictive covenants and easements of record.

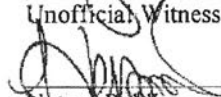
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

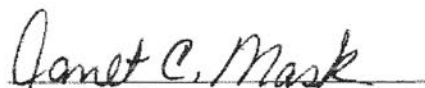
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public



  
Janet C. Mask

**AFTER RECORDING PLEASE RETURN TO:**

**LAWSON, BECK & SANDLIN, LLC  
1125 COMMERCE DRIVE, SUITE 300  
PEACHTREE CITY, GEORGIA 30269  
FILE NO. 23-LAW-02313**

Participant ID(s): 1138094925,  
7067927936

**BK 5626 PG 415 - 416**

**Please Cross-Reference Deed Book 5603, page 624,  
Fayette County, Georgia Records**

**Please Cross-Reference Deed Book 5603, page 626,  
Fayette County, Georgia Records**

Space above to be used for recording purposes.

STATE OF GEORGIA  
COUNTY OF FAYETTE

**SCRIVENER'S AFFIDAVIT**

BEFORE ME, the undersigned attesting authority in and for the said State and County, came the undersigned deponent, who being duly sworn deposes and says on oath that this Affidavit relates to the legal description contained in that certain *Limited Warranty Deed* between Janet C. Mask, on the one hand, and Jerry Battle, Jr. and Melissa Battle, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at the Deed Book 5603, page 624, Fayette County, Georgia Records, as well as the legal description contained in that certain *Security Deed* between Jerry Battle, Jr. and Melissa Battle, on the one hand, and Mortgage Electronic Registration Systems, Inc., as nominee for Rocket Mortgage LLC, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at Deed Book 5603, page 626, Fayette County, Georgia Records.

1. I certify that I am an attorney licensed to practice law in the State of Georgia, and I give this Affidavit based upon my own personal knowledge.
2. I certify that I prepared the legal description set forth in the *Limited Warranty Deed* and the *Security Deed* referenced above, and a scrivener's error was made with regard to the legal description set forth therein. A distance call in the metes and bounds description erroneously referenced a distance of "227.17 feet." The call should have been listed as "277.17 feet."
3. The correct legal description for the *Limited Warranty Deed* and the *Security Deed* should be as follows:

**All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:**

**BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as**



McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 277.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

I give this Affidavit for the purpose of explaining and clarifying the scrivener's error contained within the referenced instrument and with the understanding that it will be relied on by prospective purchasers and lenders now dealing with the property owners and title insurance companies insuring title to the same.

Further, Affiant sayeth not this 15 day of June, 2023.

Sworn to and subscribed before me,

this 15 day of June, 2023.

Ashley Ambury  
Witness

Heather Dognazzi (Seal)  
Heather Dognazzi, Affiant

Adriane L. Cagle  
Notary Public



**FAYETTE COUNTY**

PETITION FOR REZONING  
CERTAIN PROPERTIES IN  
UNINCORPORATED AREAS OF  
FAYETTE COUNTY, GEORGIA  
PUBLIC HEARING to be held  
before the Fayette County Board  
of Commissioners on Thursday,  
March 28, 2024, at 5:00 P.M., in  
the Fayette County Administrative  
Complex, 140 Stonewall Avenue

**Fayette County News B5**

**Legals continued page B5**

**Wednesday, February 28, 2024**

**Continued from page B4**

West, Public Meeting Room, First  
Floor, Fayetteville, Georgia. This  
case was tabled at the February  
22, 2024, Fayette County Board of  
Commissioners meeting.

Petition No.: 1338-24  
Owner/Agent: Jerry Battle, Jr., Me-  
lissa Battle/Randy Boyd  
Existing Zoning District:

A-R

Proposed Zoning District:  
R-72

Parcel Number: 0449061

Area of Property: 2.140 acres

Proposed Use: R-72

Land Lot(s)/District: 252 of the 4th  
District

Fronts on: McBride Road

Legal Description:

All that tract or parcel of land lying  
and being in Land Lot 252 of the  
4th Land District of Fayette Coun-  
ty, Georgia, containing 2.140 acres,  
more or less, and being more par-  
ticularly described as follows:

BEGINNING at an iron pin locat-  
ed 1,114.8 feet Eastwardly as mea-  
sured along the Northerly margin  
of the right of way of a street or  
roadway known as McBride Road,  
from the West line of Land Lot 252  
aforesaid; running thence North 1  
degree 9 minutes 22 seconds East  
227.17 feet to an iron pin; thence  
North 89 degrees 27 minutes 42  
seconds East 336.0 feet to an iron  
pin; thence South 1 degree 9 min-  
utes 6 seconds West 277.93 feet to  
an iron pin on the Northerly mar-  
gin of the right of way of said Mc-  
Bride Road; thence South 89 de-  
grees 35 minutes 33 seconds West  
as measured along the Northerly  
margin of said McBride Road 336  
feet back to the iron pin at the point  
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certain Warranty Deed from J.G.  
Mask to Colleen M. Jones, et.al.,  
filed for record November 9, 1987  
and recorded in Deed Book 475 at  
page 498, records of Fayette Coun-  
ty, Georgia. Subject to restrictive  
covenants and easements of re-  
cord.

02/28

George Sullivan  
699 McBride Road  
Fayetteville, GA 30215  
404-973-5172

October 05, 2023

Fayette County Zoning Board  
Fayetteville, GA 30215

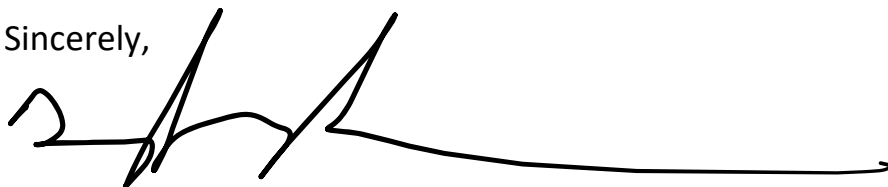
To whom it, may concern,

I am submitting this letter in support of Jerry Battle, Jr's Re-Zoning Invariance Request to allow improvements at 689 McBride Road, Fayetteville, 30215. I own Lot 2, Land Lot 252, 4<sup>th</sup> District, Fayette, Co, GA, also known as 699 McBride Road. The eastern edge of my property adjoins Mr. Battle's.

I've had the pleasure of knowing Mr. Battle since he bought that property, which, was a ransacked eyesore on McBride Road. Since owning it he has made drastic improvements to both its appearance and function but now needs a zoning variance to proceed with future improvements. Knowing his vision for its future use, I fully support his re-zoning request so that he can proceed with any further improvements he deems necessary.

Please don't hesitate to contact me if I can be of further assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'George Sullivan', with a long horizontal flourish extending to the right.

George Sullivan

# COUNTY AGENDA REQUEST

Page 78 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda: **Tabled to the March 28, 2024 Board of Commissioners meeting**

Consideration of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road.

## Background/History/Details:

The property is nonconforming lot because it has less than 5 acres. Rezoning to R-72 will create a lot that meets the acreage requirements of its zoning district. Because it was built in 1901, the existing house does not meet current building setbacks or square footage requirements. Historic structures are generally considered to be legal nonconforming because they predate any ordinances but the rezoning requires that all issues be addressed. The applicants have expressed an interest in retaining this house as a guest house for their disabled son. This will require variances to the square footage and the building setbacks. The rezoning does align with the Future Land Use Plan. Staff has recommended several conditions to address these issues; the owners are aware of and have agreed to the conditions.

On February 1, 2024, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the request. Staff recommends **CONDITIONAL APPROVAL**, subject to the following conditions: 1. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet of right of way as measured from the existing centerline of McBride Road. 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request. 3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

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

Approval of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road with three (3) conditions.

## If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**PETITION NO: 1338-24**

**REQUESTED ACTION:** Rezone from A-R to R-72

**PARCEL NUMBER:** 0449 061

**PROPOSED USE:** Single-Family Residential

**EXISTING USE:** Single-Family Residential

**LOCATION:** 689 McBride Road

**DISTRICT/LAND LOT(S):** 4<sup>th</sup> District, Land Lot 252

**ACREAGE:** 2.14 acres

**OWNERS:** Jerry Battle, Jr. & Melissa Battle

**AGENT:** Randy M. Boyd

**PLANNING COMMISSION PUBLIC HEARING:** February 1, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** February 22, 2024

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**APPLICANT'S INTENT**

Applicant proposes to rezone 2.14 acres from A-R to R-72 for the purposes of a single-family home and accessory structures.

**PLANNING COMMISSION RECOMMENDATION**

On February 1, 2024, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the request to rezone from A-R to R-72.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 is designated for this area, so the request for R-72 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-72, Single-Family Residential District.

**RECOMMENDED CONDITIONS**

1. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet of right of way as measured from the existing centerline of McBride Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The property is a nonconforming lot because it has less than 5 acres. It is a remnant parcel from a subdivision plat by a previous owner. Rezoning to R-72 will create a lot that meets the acreage requirements of its zoning district. Because it was built in 1901, the existing house does not meet current building setbacks or square footage requirements. Historic structures are generally considered to be legal nonconforming because they predate any ordinances but the rezoning requires that all issues be addressed. The applicants are aware of and have agreed to the recommended conditions.

This property is not located in an Overlay Zone.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

The Battles purchased the property in April 2023. At the time of purchase, there was an existing home constructed in 1901 with approximately 1,158 square feet, two (2) smaller sheds, one (1) 1,800 square foot metal building, and various debris. The sheds were never permitted. Mr. Battle applied for a building application for the 1,800 square foot shed in July 2023, however, staff was unable to approve the permit application because the lot was not a legal non-conforming lot. Rezoning is the first step in restoring the property to conforming status. The Battles understand variances and/or permits are also required if the existing structures are to remain.

The existing house may be converted into a guest house for their disabled son should the Zoning Board Appeals approve the variances for square footage and encroachment into the front yard setback. The Battles plan to construct a new primary residence that meets R-72 requirements once the non-conformances are cured.

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

Near the subject property is land which is zoned A-R, R-40, and R-72. See the following table and the attached Zoning Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	4.151	R-40	Single Family Residential	Rural Residential – 1 unit/ 2 acres
East	5.75	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 2 acres
South (across McBride Rd)	5.0; 19.55	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 3 acres

West	2.49	R-72	Single Family Residential	Rural Residential – 1 unit/ 2 acres
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**C. COMPREHENSIVE PLAN**

**Future Land Use Plan:** The subject property lies within an area designated for Rural Residential on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

**D. ZONING/REGULATORY REVIEW**

**Access & Right-of Way:** The property has existing access on McBride Road.

**Site Plan:** The applicant submitted a survey for the property. They do propose adding a new single-family home.

**E. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - Water is not available in that area of McBride Rd. The option to extend the waterline is available at the homeowner's expense.
- ☐ **Public Works** - No objections. Please refer to recommended conditions.
  - McBride Road is classified as a Collector and requires a 80' Right of Way per the Fayette County Thoroughfare Plan. Owner has agreed to dedicate necessary right-of-way.
- ☐ **Environmental Management** - No objections.
  - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0114E dated September 26, 2008, and the FC Flood Study.
  - Wetlands -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - Watershed Protection -- There ARE NO state waters located on the subject property per Fayette County GIS.
  - Groundwater -- The property IS NOT within a groundwater recharge area.
  - Post Construction Stormwater Management -- Single family home construction of existing lots does not apply.
- ☐ **Environmental Health Department** - Dept. has no objections to proposed rezoning from A-R to R-72.
- ☐ **Fire** - No objections to the requested rezoning.
- ☐ **GDOT** - Not applicable, not on State Route.



## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Rural Residential-2 Uses. This request does conform to the Fayette County Comprehensive Plan 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 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.

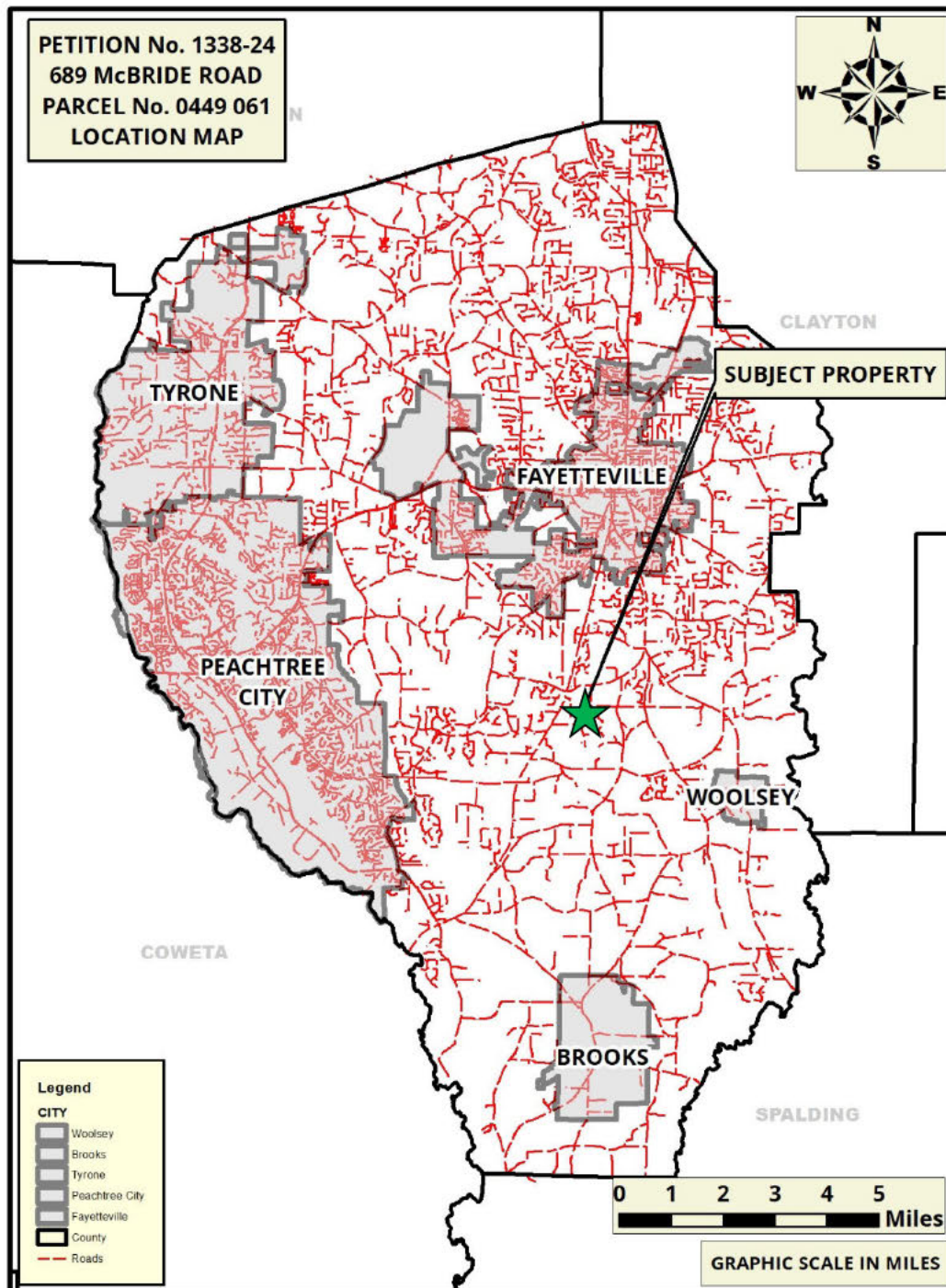
## **ZONING DISTRICT STANDARDS**

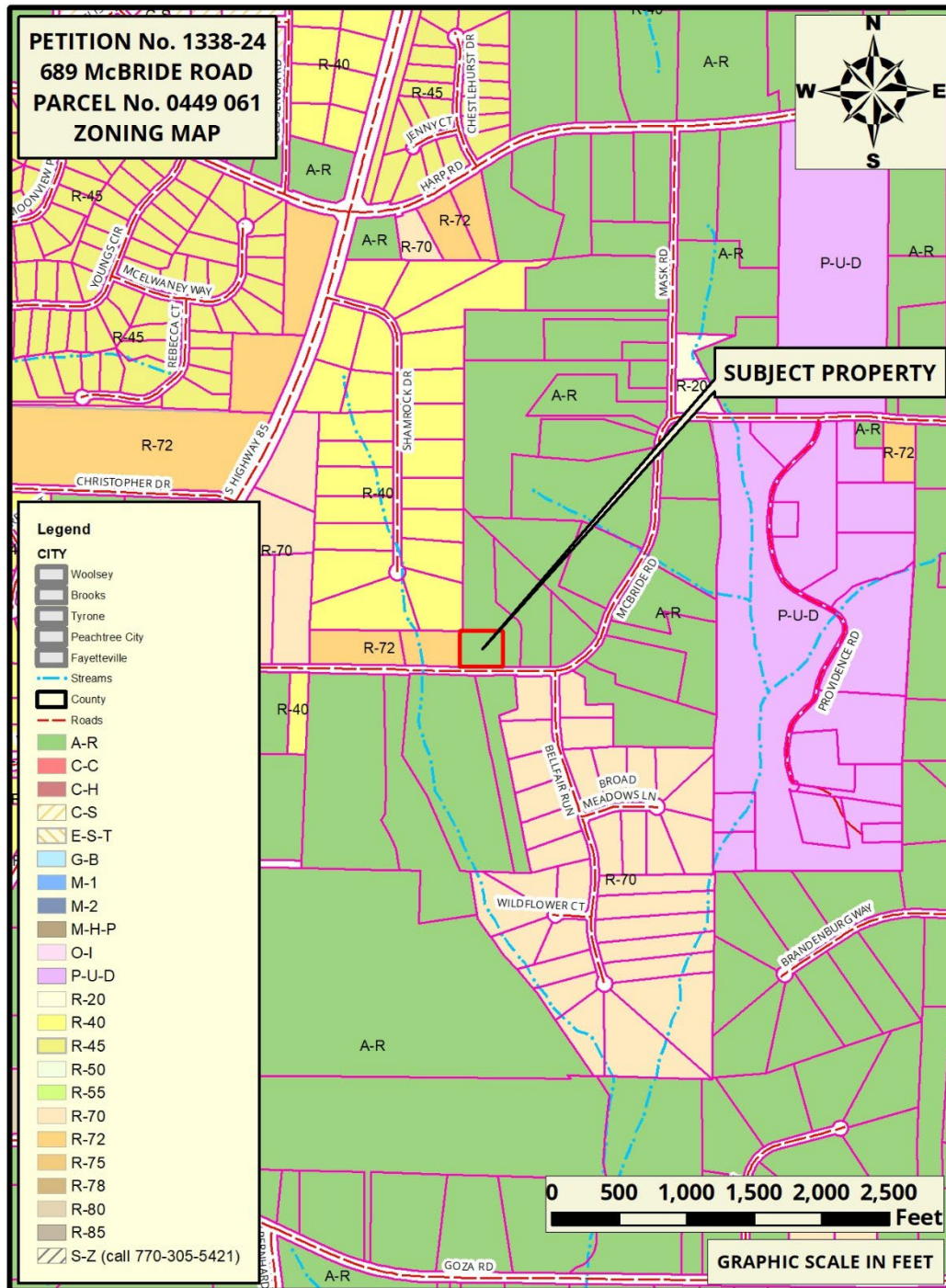
### **Sec. 110-132. R-72, Single-Family Residential District.**

- (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-72 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-72 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;

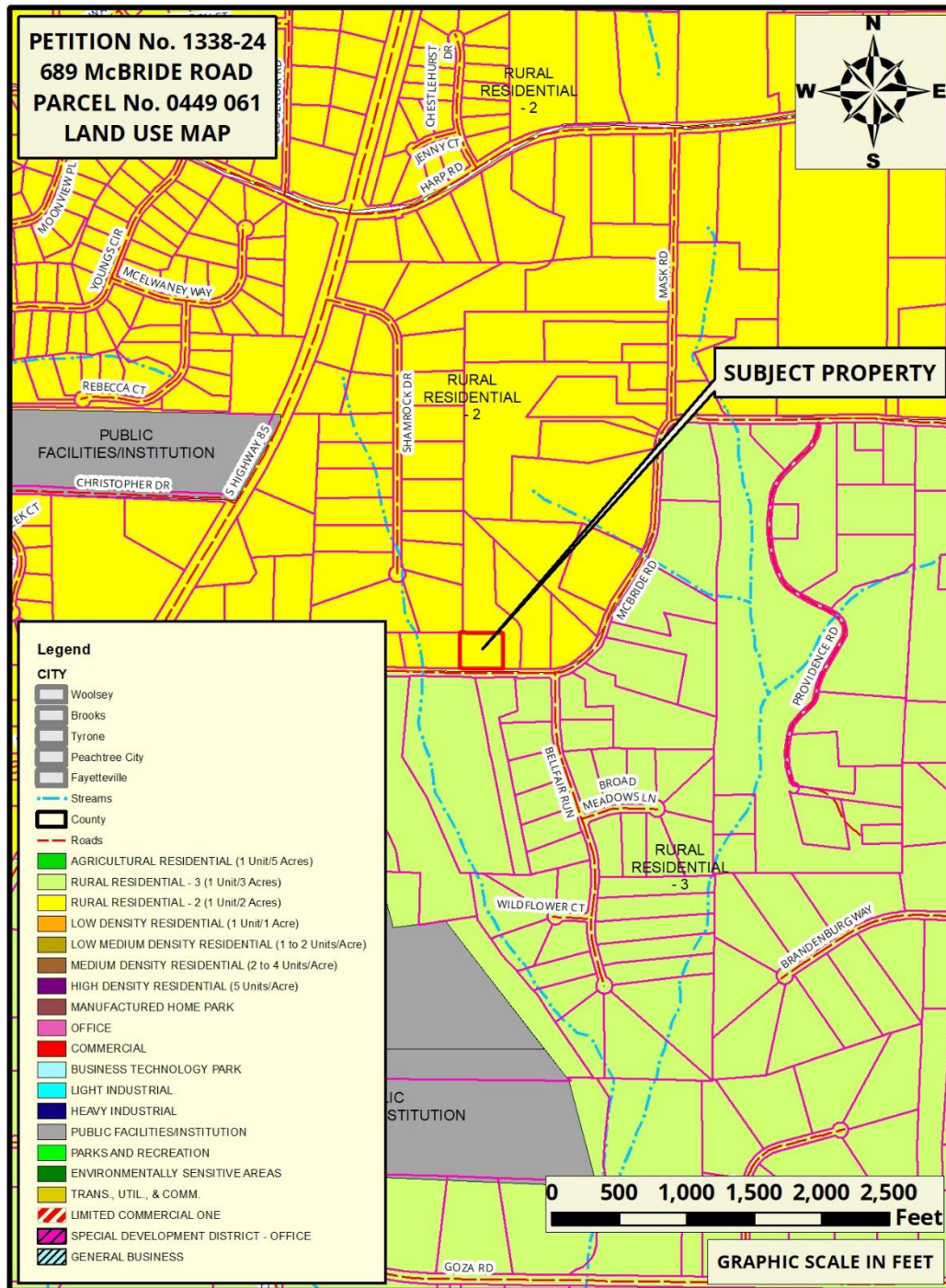
- (4) Horse quarters; and
  - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-72 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
  - (2) Lot width:
    - a. Major thoroughfare:
      - 1. Arterial: 175 feet.
      - 2. Collector: 175 feet.
    - b. Minor thoroughfare: 150 feet.
  - (3) Floor area: 2,100 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 75 feet.
      - 2. Collector: 75 feet.
    - b. Minor thoroughfare: 50 feet.
  - (5) Rear yard setback: 50 feet.
  - (6) Side yard setback: 25 feet.
  - (7) Height limit: 35 feet.

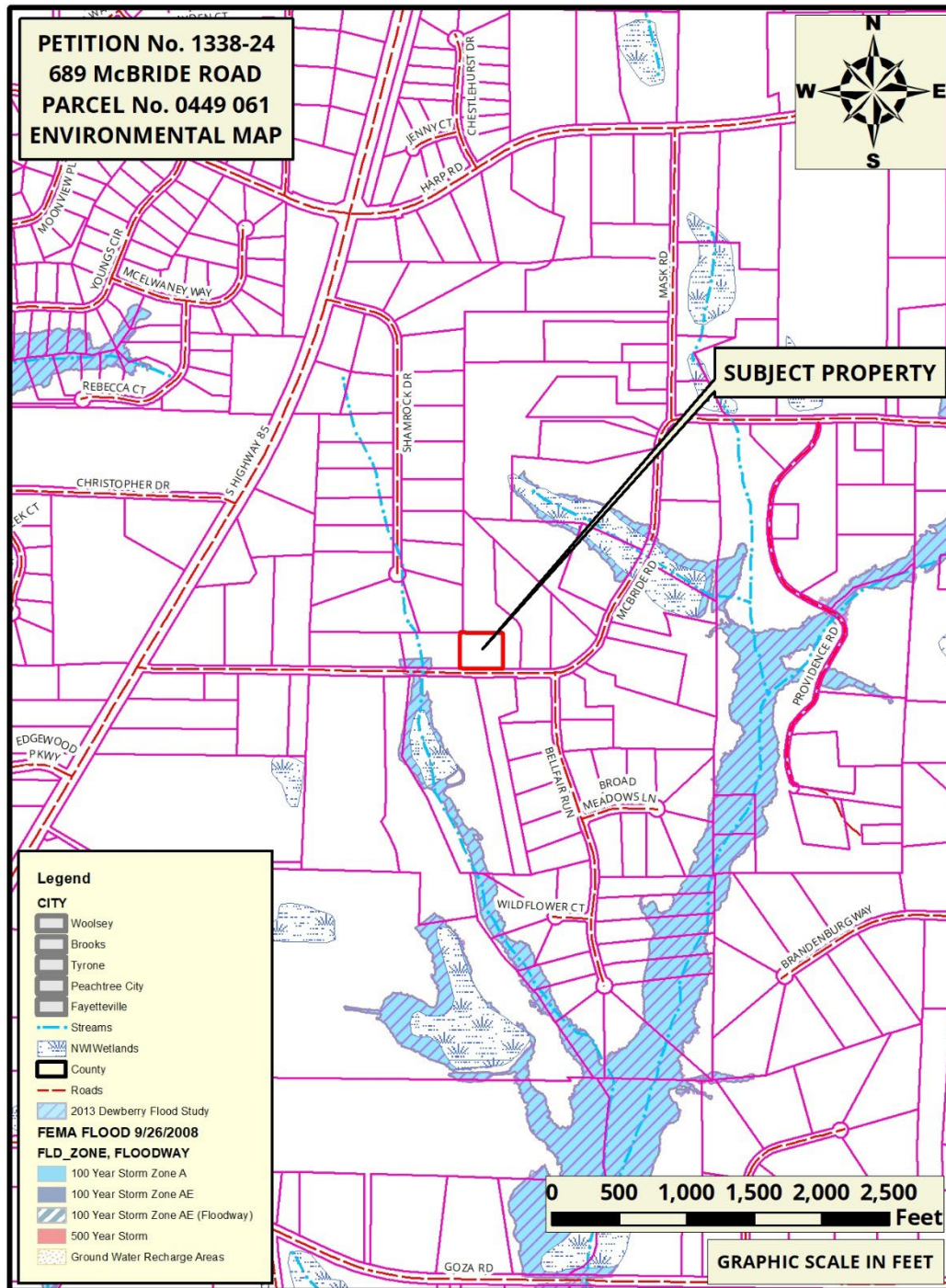
(Code 1992, § 20-6-8; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)



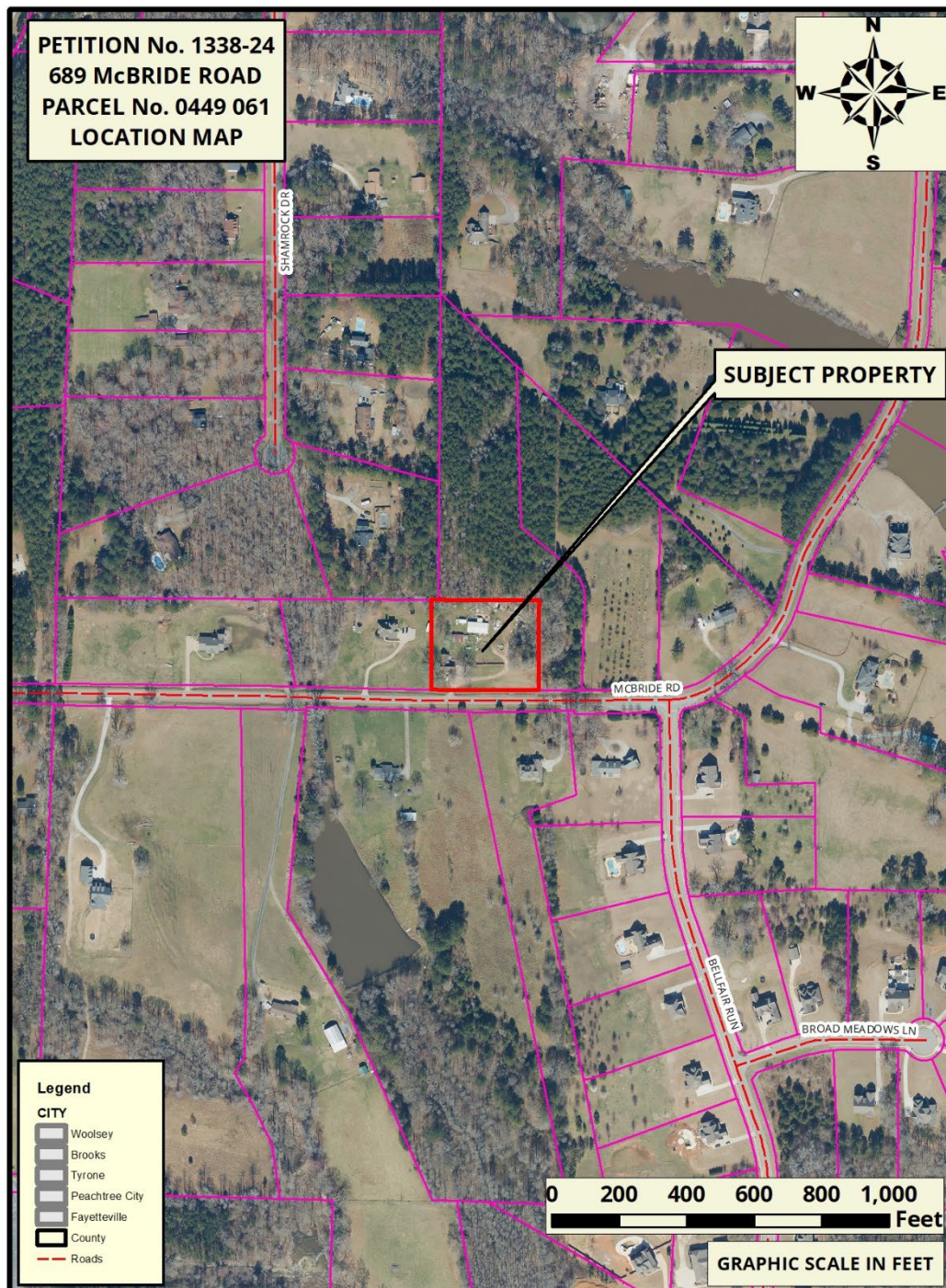




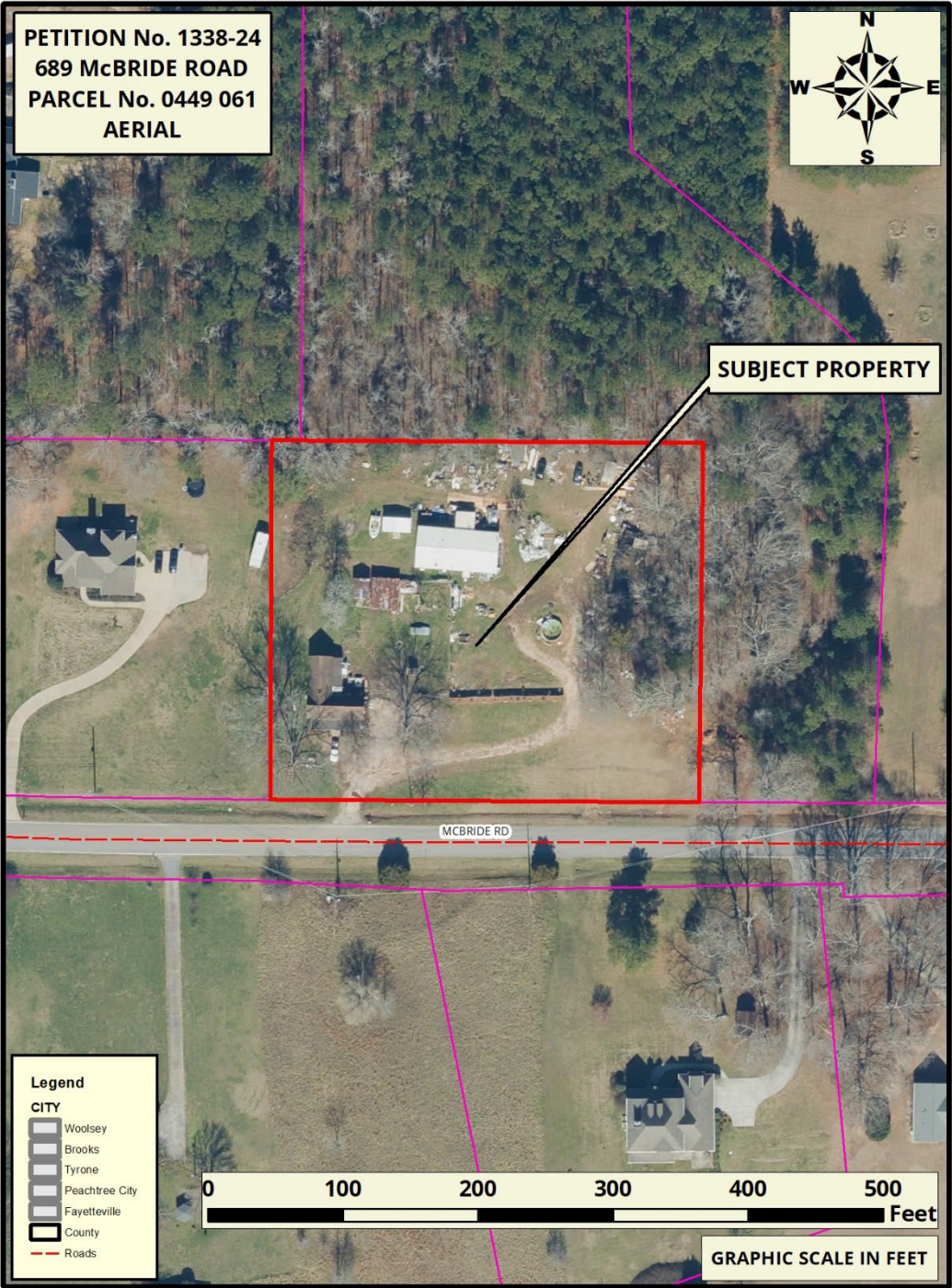




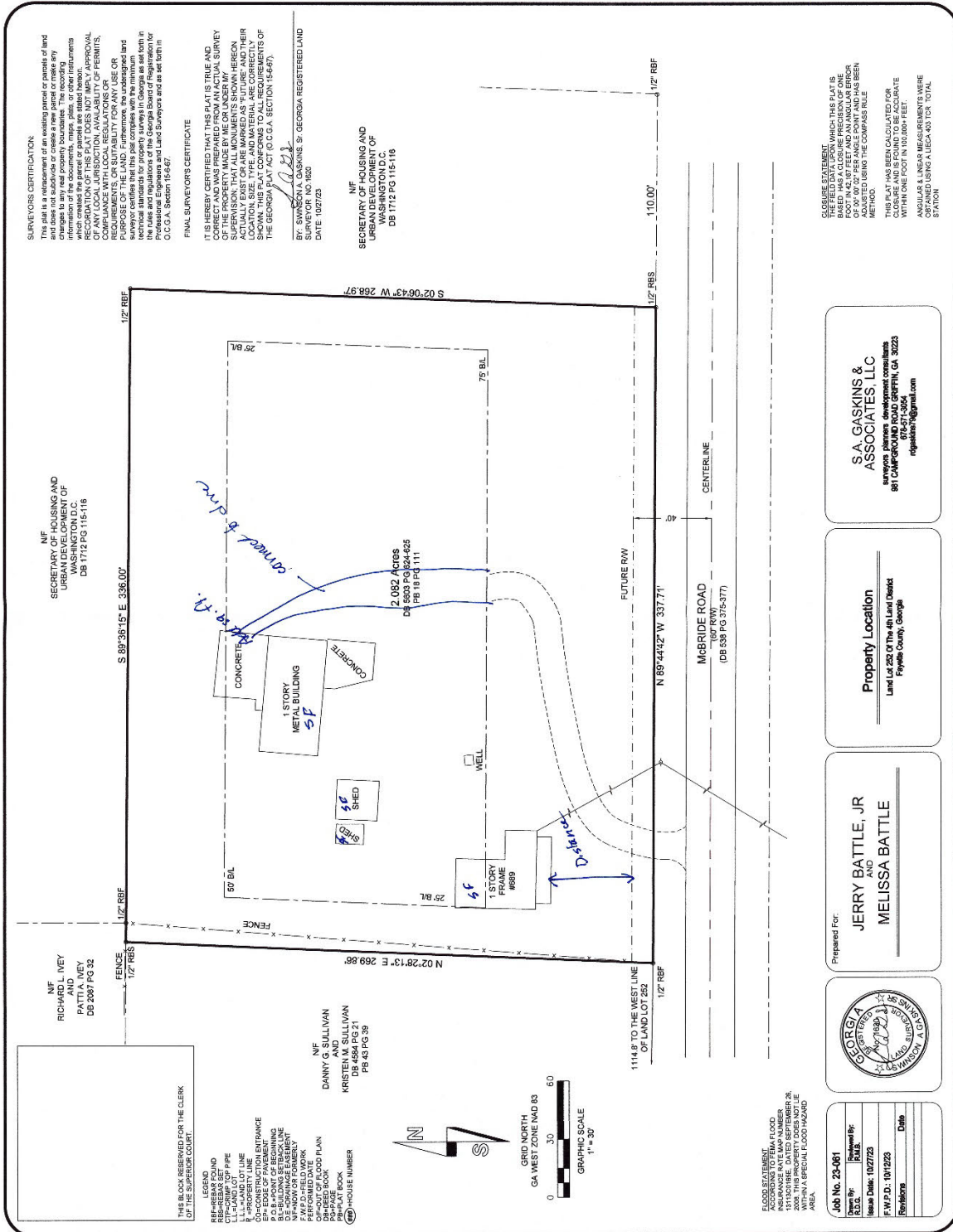












**BOARD MEMBERS**

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  
Christina Barker, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA OF ACTIONS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
February 1, 2024  
7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Oath of Office for Boris Thomas. *E. Allison Ivey Cox read the Oath of Office to Boris Thomas, who was sworn in as a board member for the Planning Commission.*
4. Approval of Agenda. *Danny England made a motion to approve the agenda. John Kruzan seconded the motion. The motion passed unanimously.*
5. Consideration of the Minutes of the meeting held on January 4, 2024, *Jim Oliver made a motion to approve the minutes from the January 4, 2024, meeting. Boris Thomas seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence. *Danny England made a motion to approve Petition 1338-24 with conditions. Jim Oliver seconded the motion. The motion passed 5-0.*
7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property. *Jim Oliver made a motion to approve Petition No. 1339-24 with conditions. Danny England seconded the motion. The motion passed 5-0.*

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail. ***John Kruzan made a motion to deny Petition 1340-24. Danny England seconded the motion. The motion to recommend denial passed 5-0.***
9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single family residential parcel. ***Danny England made a motion to approve Petition 1341-24 with conditions. John Kruzan seconded the motion to approve with conditions. The motion passed unanimously.***

# Meeting Minutes 02/01/2024

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 1, 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  
Jim Oliver  
Boris Thomas

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Christina Barker, Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Oath of Office for Boris Thomas. *E. Allison Ivey Cox read the Oath of Office to Boris Thomas, who was sworn in as a board member of the Planning Commission.*
4. Approval of Agenda. *Danny England made a motion to approve the agenda. John Kruzan seconded the motion. The motion passed unanimously.*
5. Consideration of the Minutes of the meeting held on January 4, 2024, *Jim Oliver made a motion to approve the minutes from the January 4, 2024, meeting. Boris Thomas seconded the motion. The motion passed 5-0.*

## PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Deborah Bell reviewed the staff report for Petition 1338-24 to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence and accessory structures. The property is a nonconforming lot. It appears to be a remnant from some previous lot's subdivision. So, the fact that it is nonconforming is not the fault of the owner. However, rezoning it would cure the nonconformance and make this a legal nonconforming lot. The current owners purchased the property in April 2023. There is an existing much older home on the property which, if they are going to try to retain it, would require some variances. So, they will have to assess if they wish to proceed with that or to build something new. Staff recommends conditional approval.



### RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of McBride Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

Randy Boyd represents the petitioner, Jerry and Melissa Battle. They purchased the property in April of 2023. You can see from the map that it has all sorts of issues with it. To get the rezoning we have to apply for and dedicate an additional right of way. Yes, we will absolutely do that. I would like to take the opportunity to thank Deborah Bell and Deborah Sims for working with us on this. I took this over there and they about passed out. Everything on this property has issues: too many buildings, they are not big enough, and the property lines pass through buildings. They both really stepped out and tried to help us with this and we appreciate the help. The Battles purchased it and cleaned it up substantially. They want to renovate the house for their special needs son. The one to the southwest corner, there is an existing garage back there they want to build another house. There are a lot of issues on there. The property was created Nov. 1987 as part of a farm which was 12 acres. What they did was peel off 2-acres on each side. That's this piece. Then what was left over, I got those rezoned in the past. I got one rezoned in 2006 and another one 3-4 years ago to R-72. The 2-acre zoning is compliant with the comprehensive land use plan. We have R-72 to the West, R-40 to the North, and then A-R to the East and the South. This does fit the land use plan. I have heard a lot of appeals over the years, and I have listened to a lot of issues that people have had. But this is one where the Battles just bought this piece of property and they didn't do any of this, they are just trying to clean it up. Then you might say well, they should do their due diligence. Yes, they should but if you see a good deal, you also got to jump on it real quick. I would just ask that you zone this for the 2-acres. That is the proper zoning. The staff suggested that, and we support the recommended conditions. We look forward to working with them and cleaning this property up, so they have a nice piece of property. Thank you.

John Culbreth asks if anyone else is in favor of this petition would like to speak.

George Sullivan speaks on behalf of the petitioner. He is the property owner of the property immediately to the west of the petitioner. He has owned the property since March 2017. I moved my family here from Connecticut. When we moved here, the property was owned by a different property owner. In the time between March 2017 and when the petitioner bought the property, I have witnessed no less than two search warrants executed on that property, and no less than 12 incidents that required law enforcement. Mind you I am at home with two small girls and my wife. At the time when we moved here, I was a federal law enforcement officer. I, myself, detained 3 individuals until law enforcement could get them. Because they were on my property. This was on 3 separate occasions. I lived through it up until the new owner purchased the property. Anyone who knows McBride Road knows it was the number one eyesore. That property led to McBride Road being called the Infamous McBride Road with law enforcement because everyone knew it so well. The new owner bought it and has increased the positive nature, the cleanliness, and everything having to do with improving that property 1000 times over. Before it looked like a

condemned piece of property. It was littered with all matter of trash, vehicles, and debris that I had to look at every day. When the new owners moved in, within a small period of time, that was all gone, and they did everything they could up until the point they realized that they had zoning issues. To my knowledge, they have attempted to respond to every code request and do everything they could do. So, they have already demonstrated that if given the opportunity to at least make that property where you can do anything. As I understand it, they really can't do any type of modification. Give them the opportunity to at least meet the codes of Fayette County. I support them, and I didn't know them before they bought the property. Thank you.

Alexander Garcia here to speak on behalf of the petitioner. I actually just moved to Fayette County about a year ago. I live 2-3 houses to the west of Mr. Battle's property purchased back in April. The property was a mess. Mr. Battle came in and gutted it out completely. He is doing great things for our community and our property values. He wants to renovate and build something new to improve the property and I am in favor of that. Anything to make our property better. I am a new Georgia native; he has my 100% support. I don't see why you shouldn't approve this rezoning for him. He is just going to make our county better and bring that positivity to our town. Thank you so much.

Mr. Culbreth asked if anyone was opposed to this petition who would like to speak.

Tim Thoms from 625 McBride Road. It's not my property anymore but if you see those trees in a line in the upper right corner. That is now my daughter and son, where they are building a house. So, we are a couple of lots down from Mr. Battle. My property and I am proud to say that I am one of the few remaining farmers in Fayette County and have farmed that property for almost 30 years since 1996. I grow trees for the landscape industry. My property is up and above and further east. I have been a citizen of this county since 1984. I have put a lot into this county, and I have sat where you sit now for many years. I appreciate your sacrifice and willingness to come up here twice a month to do what you do because it is a thankless job. But we have made Fayette County a better place because of our service. I don't have any ill will towards the applicant. I just spoke to him for the first time today and just met him for the first time tonight. I have spoken to other people who know him and from everything I have heard, he is a fine individual. I have no ill will, but what I have come here to do is to oppose the petition. I know it meets the land use plan, but that 2.1 acres is barely within the density of that land use plan. Even across the street, the density is higher at 3 acres. We are on the fringe. I have been working that area for 30 years and I wanted my kids and my grandkids to take advantage of that too. Again, Mr. Battle has done a tremendous job of cleaning that place up...it was a pig sty. There is a lot of nefarious activities that have gone on on McBride over the years, such as the chandelier that hung on the pole in the yard (just kidding). The concern I have is that I don't think Mr. Battle will be able to do what he wants to do on that property. That house. The paper I gave you that has the red line around the shed. That is a 1,900 s.f. building as it exists as an accessory structure. Zoned A-R, I think the former owner said they were using it for agriculture, but allegedly they were using it for other nefarious purposes. It is just not going to fly to build unless you take all of those accessory structures down and start from scratch. I feel for the man because I know what my children have gone through to build their house. It is not easy in Fayette County to do what you want to do, and we go by the law so that good actors can be good actors and bad actors can't get away with anything. It makes it tough on us, but we have laws for a reason, and it has helped Fayette County for many

years be Fayette County and not someplace else. I think it is in your judgment to recommend denial to the Board of Commissioners. If you so happen to wish it to be approved, I think you can condition it so that all the accessory structures have to be removed. Mr. Battle can come in and build a house because the one that is there.... I have not been in it...but I know how it has been treated and I think there isn't any question that it is going to take a lot of work. It is in bad shape. Not to mention, it is way outside of codes, setbacks, etc. He has a lot of things to figure out. Someone told me a long time ago from the Zoning Board of Appeals that whenever you grant those appeals, you are allowing someone to break the law. We have this process that asks for rezoning, but we are still asking you to change the law that applies to the rest of the county. So, I would like you to look over the situation. I mentioned the nefarious activities that have happened on McBride Road for the past two or three decades. I guess before Christmas we were back in my house, and we see all these red and blue lights and we thought Oh my Gosh something else is going on McBride Road. The blue and red lights were up in the shed area. There was no shooting going on, which happened on McBride Road. So, we figured it was not that bad. Mr. Battle does work with law enforcement. He equips our sheriff, and fire department with sirens and lights for patrol cars and emergency vehicles. It is done in that shop. That is an illegal activity. He told me he lived off Hilo Road and he did the same thing in a shop he built there. I know his intentions are good, I just don't know that he can do what he wants to do. He ought to be able to do that in a commercial or industrial area where that kind of business should be done and not in an A-R setting. I appreciate your time.

Mr. Culbreth asks if anyone else is opposed.

Mr. Randy Boyd requested to make a rebuttal. He stated that he has known Mr. Thoms for quite a few years. As far back as when he sat on the board. He has always been very fair, but I do think he is incorrect that if you grant a variance, you have broken the law. Because granting a variance is just part of the zoning process. It's the last chapter that you have a remedy, so you are not breaking the law, but you are just seeing if those can be applied to situations where you can make that work. Mr. Battle is trying to clean that up, so it is proper zoning. It is zoned for 1 unit for 2 acres. The final product will be right at 2 acres once we dedicate the right of way. Mr. Battle will apply for all the variances. He will work with Planning & Zoning. They have done an excellent job so far. When we get into the project, there will probably have to be some more variances that we will have to apply for. They have been kind to give us enough time to do that, and we would like to go through the process of the next meeting to see if we do get the zoning. We will work with them, and I believe he will go for the variances that go along with the rezoning. Thank you.

Mr. Culbreth asks if there are any questions or comments from the commission.

Mr. Oliver has a question for Mr. Boyd if he was o.k. with the conditions, specifically in item 3 the 180 days.

Mr. Boyd says yes sir we were going to try to present it at the next Zoning Board of Appeals deadline, which is February 3<sup>rd</sup>, which the staff has talked to us about. Then I was thinking that the 180 days would be from the rezoning which gives us the time to work on that. I am going to be working on it anyway. So, yes, we will apply shortly thereafter if we are approved, and we have the right of way deed. So, yes, we agree to the conditions. Thank you!

***Danny England made a motion to approve Petition 1338-24 with conditions. Jim Oliver seconded the motion. The motion passed 5-0.***

7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

Debbie Bell reads the staff report for Petition 1339-24 a rezoning from R-70 to C-H for the purposes of extending the septic line from neighboring parcel to the south and possible other commercial uses. Staff recommendation as defined in the Fayette County Comprehensive Plan; Rural Residential-2 is designated for this area so the request for C-H zoning is not appropriate. Based on investigation and staff analysis, staff recommends denial of the request for rezoning to C-H.

If the request is approved, the recommended conditions are as follows:

#### RECOMMENDED CONDITIONS

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. The revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan shall be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

Staff would like to note that on November 27, 2023, the adjacent parcel, 1552 Highway 85 South, did apply and was granted a variance to allow the septic drain field to encroach into the zoning buffers within that parcel. The property is currently identified as tract two on the minor subdivision plat of U.S. Station. In 2005, the owners at that time applied to rezone the property from A-R to O-I to construct an office park but the Board of Commissioners approved rezoning of the property to R-70. In 2014 a plat was presented that created four approximately 5-acre lots that you see today. The parcel is in the center of the county on Highway 85 South. This is next to the old U.S. Station which is under a redevelopment plan. This is the parcel that is subject to the rezoning. The land use plan shows Rural Residential. There are no environmental factors affecting the property and it is currently an undeveloped property.

Mr. Culbreth says thank you and asks if the petitioner is present.

Hello, I am Rick Lindsey representing the owner. The owner is Thomas Crossroads, LLC. I have with me tonight, Ed Wyatt, John Cook, and Blake Wyatt all from Green Oil which is the parent company of the LLC, and contractor Neal Brown. If we have any technical questions, I will have Neal come up to answer the technical questions. As Debbie said, we are seeking a rezoning to C-H. The property she was speaking about, part of the old U.S. Station just to the South is zoned C-H. We would like to put the drain field for the septic system on this property. Back in November, a variance was granted by the Zoning Board of Appeals in case the rezoning didn't happen here, but a better plan really is to put the drain field for the septic on the southeast corner going away from HWY 85. It is a 5-acre



tract. It is currently zoned R-70, and you may remember at one time was part of the U.S. Station. The convenience store that is being redeveloped. Here is a photo from 1983 that shows the U.S. Station which expands three different lots. Each of these lots has different zoning R-40, C-H, and the property we are talking about this evening is R-70. If you can see those vertical towers, those are gas tanks. It was a truck stop which first came into operation in the 1960's. So, 60 years ago it was a truck stop and continued being used for fuel. The asphalt has remained on the site and has been used continually until my client shut down the property for redevelopment. He uses driveway access for the property. It has been used to park school buses, dump trucks, and other large vehicles, but never for residential. It has always been used commercially or in some commercial fashion. Debbie Bell displays an aerial of the property. Rick Lindsey says due to the nature of the shape of the property, it is not easily developed. It is bordered on the south by C-H and also R-40, and R-70 to the North, and across the street a church, middle school, and a vacant property owned by the Islamic Center of Atlanta. Whitewater Middle School, Whitewater High School, and Sarah Harp Minter, so a lot of heavy users of this highway are on this road. We are proposing to rezone this property to match the other property that is being redeveloped to C-H. So, they may be combined, and the septic system is put along the southern southeastern portion of that. Having the septic system will assist in the buffering of that property from the neighboring residential to the south. The properties to the east are all over 2 acres. They are all large deep properties. We will certainly want to keep the buffers from the residential property. This property is in the land use plan as low-density Rural-Residential 2. That is really a mistake. The property has never been used residentially and never will be. When the property was rezoned in 2005 it went from A-R to R-70. The applicant had sought O-I zoning. I am scratching my head as to how it ended up being R-70. R-70 is a little easier to zone residentially. If you recall A-R the minimum lot size is 5-acres. R-70 is 2. That was in 2005 and you can see it still has not been developed. Part of the parcel to the left has been used commercially for all these years, since the 1960s. So, what we are looking at getting a zoning on this property that meets reality. You can call it residential, but it is really a square peg in a round hole. I guess it is really a pentagon in a round hole. It doesn't fit. I have looked at all the properties on Hwy 85. There hasn't been a residential house that fronts on Hwy 85 in the last 40 years. It is a reality that this part of 85 is busy, and 4-laned if you count the turn lane. We also know that one day GDOT has plans to 4-lane 85. So, in reality, it is something other than residential. Back in 2005 the former property owner applied and was denied for O-I. So, what happens if this is developed commercial? For one, it really benefits the area. For one, you can increase buffers. The nice thing in Fayette County is that we have nice zoning here. We have the overlay district which will oversee the parking, architectural style, lighting, landscaping, and overall look. The zoning ordinances we have here will control the buffering so that we don't have properties on top of each other. And at least 40% have to be left where it is not covered with any impervious surfaces. So, we will be able to get rid of that asphalt in the front. So, we are proposing that it will look like commercial property. And if the asphalt is removed there will be no access onto 85. Which really screams that it should be combined with the property to the south. Ironically, if it gets put back to what it was years ago when it was the U.S. Station. So, my client wants to move the septic drain field. It will make it a much better drain field to the southeastern portion of the property and then in the future, develop it commercially. The small commercial center will come off of the convenience

store that is being redeveloped now. It is going to be nice because he wants it to fit with the higher-quality convenience center that he is going to be building. It is a uniquely shaped property, and it is a small property, particularly when you think what is going to be taken by the septic system and the buffers. So, it won't be a big box or medium box, it will just be a small neighborhood commercial property that will offer products and services for the residents and the people who would be commuting up and down HWY 85. The property really needs to be zoned in a realistic manner where it is commercial and matches the property to the south so they may be combined into one. The septic drain system is put where it needs to be so it will increase the buffers and it will be one cohesive commercial unit.

Mr. Culbreth asks if anyone else wishes to speak in favor of this petition. Is there anyone who would like to speak against? If not, we will bring it back to the board.

Again, I am Tim Thoms and I live on McBride Road. McBride Road is about 200 yards to the south of the U.S. Station. I used to visit the station long ago and when it was the U.S. Station, that is fine because it is a grandfathered commercial zoning. There is no commercial intentionally until you get to Starrs Mill. This is by intention design. I think you have every reason to deny this as it does not comply with the comprehensive land use plan at all. Besides that, the two properties at the bottom of the screen, those I believe front on McBride Road and one of them...the people have lived there for ten years. The zoning was denied for O-I. It was rezoned R-70. So as eloquently as Mr. Lindsey spoke in promoting this development, it is difficult to defend sometimes, and you have to grant a zoning that can be defended in court. That is why it is R-70 instead of A-R. This is not a spot to enlarge the commercial area and get that started on the south side of the county between Fayetteville and Starrs Mill. Fayetteville is already creeping down in terms of development and that is not, as I understand, what citizens of the south end of Fayette County would like. Thank you.

Next speaker against.

Hello, again I am Alex Garcia. I have a few documents that I want to show, but before I begin, I want to say I met Ed Wyatt today for the first time and I have nothing but good things to say about the gentleman. If you can bring up the image with the satellite picture. I am actually the owner of 757 McBride which is this house right here (unintelligible as he stepped away from the mic). There is a huge berm. You can't see the commercial property. Mr. Wyatt reached out to me that you guys were giving him a hard time with the septic system. The way he has been so communicative...I actually wanted to buy that property from him. To turn my 5-acres into 10-acres and build a farm. So, we can get a few horses for my little girl over here. Unfortunately, his septic system has to be there, and he has to rezone it commercially. My wife asked if they rezone it commercial will they put buildings on there? It is one thing to put the septic system but another to have a commercial building. It is a beautiful property. I am from California and Delta brought me out. I am a veteran and I have two tours under my belt. The people are amazing, and I love it here. When he told me that when they zone it commercially, and I asked when. Mr. Wyatt said that on the north side, he wanted to put some buildings on the lot. That changes everything for me. One thing you want to consider is that the current zoning is residential. If you develop this commercially, the surrounding area will not be consistent. That could impact my property values and my neighbors as well. The neighbor right next to me is also against it. He's not here right now but he is totally against it. It might impact my property value. It might go

up or down. It's one thing to add a buffer but zoning commercial without seeing the plan. If you let him zone it commercially without you seeing the plan (unintelligible as he steps away from the mic). If he zones commercial, I will see everything right there, the trees will be gone and I will see cars, parking, people, buildings. You might want to consider before approving this get the facts. Get the plan! If he needs a septic system for the BP, I am all in favor of this because I am going to go to Dunkin' Donuts in my golf cart. I am in favor of the BP gas station if he needs to get his septic, but there have to be other channels that can be taken without giving him zoning that is commercial. Thank you.

Mr. Culbreth says thank you is there anyone else who would like to speak against Petition 1339-24 if not we will bring it back to the board. Mr. Lindsey, do you have a rebuttal?

Rick Lindsey says yes, just a couple of comments. We have a commercial property that abuts a residential property and the key to making it work for my client, as Mr. Garcia said is a very honorable and honest man who will work with the buffers in the county. So, this is not an issue. We will work with the county so this will blend in and be an asset to this community. So, it will be a small community-based, and centered retail use.

Danny England, Rick, I know you just sat down but I have a question for you. So, the first thing that I thought is that there is no room on the existing U.S. Station site for a septic system. Has the developer approached the county Department of Health and spoken with them about options for septic systems on the existing property and were they told, no?

Rick Lindsey, "Yes, because of the long-term commercial use of the property, the soils had to be taken out. So, it is problematic. That is why we have the variance to get it into the buffer. So that is going to take out some trees and a much much better plan is to put the drain field on this site.

Danny England, "So, it can be done but it would be expensive, right?"

Rick Lindsey, "We have the variance to do that now. You are going to take out buffers to do that. As Mr. Garcia said, you open it up. The better plan is to marry the residential to the commercial. Let's put the septic drain field there. Does that answer your questions?

Yes, it does, Danny England stated.

Jim Oliver asked, "Also, there are some conditions that are staff recommendations that are for approval. Do you have any problems with those?"

"No, sir my client will agree to all of those conditions," stated Rick Lindsey.

Debbie Bell asks if she may clarify something and states that she was advised originally by Environmental Health that the drain field needed to be on the same parcel with the use. Our attorneys have educated me that the drain field could be on a separate parcel with a permanent easement. There would be a possibility of putting the drain field on there without combining the two parcels.

Danny England, "So, if that is the case, is the rezoning necessary or is it just an easement onto the current zoning as is?"

Allison Ivey Cox stated, "That because it is the same property owner getting the easement would be easy. It is a separate parcel. We need an easement, and it needs to be recorded, but that is simple enough just to pass from one to the other and the buffers that had been varied would remain whether there is a rezoning or not."

Danny England, "So, no rezoning of this property but there is an easement that would allow for..."

Allison Ivey Cox, "This property owner would need to create an easement in order to allow for the septic drain fields to be on the property indefinitely. That would be recorded in the

deed record, and it would be burdening that property for the purpose of the other.”

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

Mr. Culbreth asks given what was just said, “Mr. Lindsey is that a possibility rather than rezoning the entire parcel?”

Mr. Lindsey, “I would have to look at the ordinances to look and see if that is a possibility. And with all due respect to Elliott and Dennis.... I don’t have an answer to that, but I do have this response. If you put a permanent easement there, it now cuts off more of his property and makes it even more problematic to ever develop. So, you have taken even more use of this property. Like I said it has been at least 2005 it was rezoned R-70, and it has never been developed. If the access point on Hwy 85 is removed as requested by GDOT, now the property has no access to any road. So, we have taken away the complete value of the property. It needs to be combined with the redeveloped convenience center to have the proper use of the property and put it back together as it was when it was U.S. Station and make it work and make it blend in with the area. Did that answer your question?”

Danny England, "Something I am wrestling with here is where it says intent on the petition for rezoning. It says here that the purpose of the rezoning is to extend the septic line from the neighboring parcel to the south onto this property and possible other commercial uses. So really what we are looking at here is that we are solving the immediate problem, which is the septic line, and then there is the potential for maybe some commercial uses in the future.”

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

Danny England, “So we can solve the septic issue pretty easily, right? We can get an easement. You can run septic lines all day. You can put them wherever you want and do it in a way that would not encumber the future use of the property. On the flip side of that, we had a rezoning last month on Hwy 85 that was commercial, and I think your opening statement was that this is probably never going to be developed residentially. If you look across the street those are not houses. There is the school, churches, there is commercial further south there is a gas station there. It is a little bit of a balancing act for us to figure out the comprehensive plan vs. the reality of how people are going to use this thing on the open market and what makes sense. Just trying to look for answers to all of the questions to make a balanced decision.”

Mr. Culbreth, “You made a statement that there has been no residential development in the last 40 years.”

Rick Lindsey, "That front on Hwy 85. Right, and I was on the Fayette County tax map, and I went from Harp Road on both sides and looked for a house that fronts on 85. The most recent one I could find was built in 1982. The rest were in the 50's and 60's. Now if they have driveway access on some of the side roads, there has been more recent development, but the ones that front on 85...when Fayette County was a sleepy, slow, more rural county. It has been a long time since Fayette County has been sleepy. We moved in '87 and it was considerably sleepy compared to today. No one is going to build a home that fronts on 85 today. That is just the reality. We want to take this property and we have a use for it. Everyone has a right to have a use for their property and not have that taken away and make it blend, look nice, and be an amenity for the area. Not something that is a blight. I am not



saying this is blight, but having all that asphalt there is not attractive. Let's do something that makes it better than it is today. I hear not wanting commercial to march all the way down 85. Here you are in an area that has already been used commercially for 60 years. It would make it look much better. That's what we are trying to do."

Mr. Thomas, "Have you developed an impact study in regard to placing future use commercial there and how it would impact the traffic from the school daily and the ingress and the egress of the school right across the street and the proximity of it being so close to the new light on Harp Road. That light was not there before. Have you done any impact study or spoken with the Department of Transportation regarding the traffic light?"

Hello everyone, "I am Neal Brown with All-Span Builders. I have been handling the demolition of the old U.S. Station. Thank you to the Planning Commission and Deborah and Debbie for all the work that has gone on for this facility. To answer the question about the traffic study. I had a meeting with Stanford Taylor with DOT earlier this week and it is their wants to terminate the driveway across from the school and make the two driveways that are in place now, the active driveways. And do frontages approach to the left and the right, so yes it has been addressed but not on a formal study yet, but I did have meetings with DOT before this meeting tonight. So, we are in agreement to get rid of the driveway on the northern end and then your traffic will come in the two where they are already approved, and they would access that property on the frontage drive. I guess I have been through two pre-con meetings on this project, and everything has focused on the construction of the facility. This is the first time this option has been presented from legal stating that we could do this easement on this other piece. From the very beginning, Bonnie Turner, from Environmental Health said that the property owners' names had to match, and the zoning had to match. So, that is the reason we have got to this point. And I have multiple variances on this project because of the configuration. Honestly, I thought it was zoned incorrectly and we were going to find out why it had ever changed from the U.S. Station. The parking lot has four entrances in three different zones. It just doesn't make any sense. Your landmark or benchmarks have been there since the 60's that is why we are asking just to get the two pieces zoned the same and it will work a whole lot better on setbacks, septic, and the whole nine yards. Everyone is talking about the improvements. How about the man over there who is spending multi-million dollars to improve what we got now? So, some consideration needs to be given there. Thank you.

Mr. Oliver states, "Mr. Chairman, we all attended a wonderful seminar this week put on by the University of Georgia talking about dealing with zoning questions to ask and they gave us a rundown of what questions to ask to determine whether to approve or deny a rezoning. There are 6 criteria, and this petition meets all but one of the criteria. A lot of that has to do with the comprehensive plan. It doesn't quite fit what the comprehensive plan is, but it doesn't look like it was ever meant to, but one of the overriding factors that I see is whether the property affected by the zoning proposal has a reasonable economic use as currently zoned as R-70. I don't think it fits as currently zoned, the reasonable economic use criteria. I don't think anyone would want to be put in a home facing Georgia Highway 85 across from Whitewater School and across from the church. There have been a lot of residences and there is nothing surrounding it that is zoned other than residential. Well, right across the street there is not residential zoning. It is more in the commercial vein of zoning. I don't think this is an unreasonable request. The issue of an easement came up this evening, but the petition before us tonight is for a commercial zoning. We either

deal with it now or deal with it later. We are merely a recommending body, and the county fathers will have the final say. But I don't see anything unreasonable in this request. There is no doubt that this is a commercial type of zone and not a residential zone and it is something that needs to be addressed here and now.

Mr. Culbreth asks for any further comments. If not, we will entertain a motion. The staff has made their recommendations.

***Jim Oliver made a motion to approve Petition No. 1339-24 with conditions. Danny England seconded the motion. The motion passed 5-0.***

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Debbie Bell reviews the staff report for Petition 1340-24. The property is located in land lot 5 of the 5<sup>th</sup> district and fronts on Harp Road, Highway 85 South, and Old Senoia Road. According to the Fayette County Comprehensive Plan, the property Rural Residential-2 is designated for this area so the request for C-C is not appropriate. The planning & zoning staff recommends denial of the request for rezoning to C-C. However, if the request is approved, the recommended conditions are as follows:

#### RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

The property is a non-conforming lot because it does not contain the minimum required acreage for an A-R zoning district. It is located in a highway overlay zone, and it is just north of the highway we just looked at by half a mile. This parcel is bounded on three sides by the roads. You can see that it is A-R zoning and a lot of property in the area is A-R zoning or R-40, medium to low-density residential. Here is the land use plan which recommends rural residential to the south and low-density residential to the north of Harp Road. There are no significant environmental factors that appear to affect this site. Here is an aerial view of the undeveloped property.

Mr. Culbreth asks for the petitioner to come forward to speak.

Hello, my name is Darrell Baker and I represent the landowner and the potential future landowner of this site. I have asked Deborah to hand you a copy of the plat for this property that was recorded back in 1979. This plat and piece of land was divided by Mr. Young who was also a farmer and developer and who owned this land and the land where probably a lot of the citizens here tonight are from, and their homes are which is now called Rebecca Lakes. He subdivided that land and many of the streets in Rebecca Lakes are named after his family and his kids. I think if you look at that plat, this piece of property has been a concern since they platted. That plat specifically states, that when he platted with the county it says 'future commercial use' why do you think he would do that? As a farmer and a developer, he realized that the property was bordered on three sides by roads. You guys

5270 Old Suvoia RD 1979 511 Old Suvoia Rd 1972 Lemon's Land'g 2014

Rebecca Lakes  
1993-2004

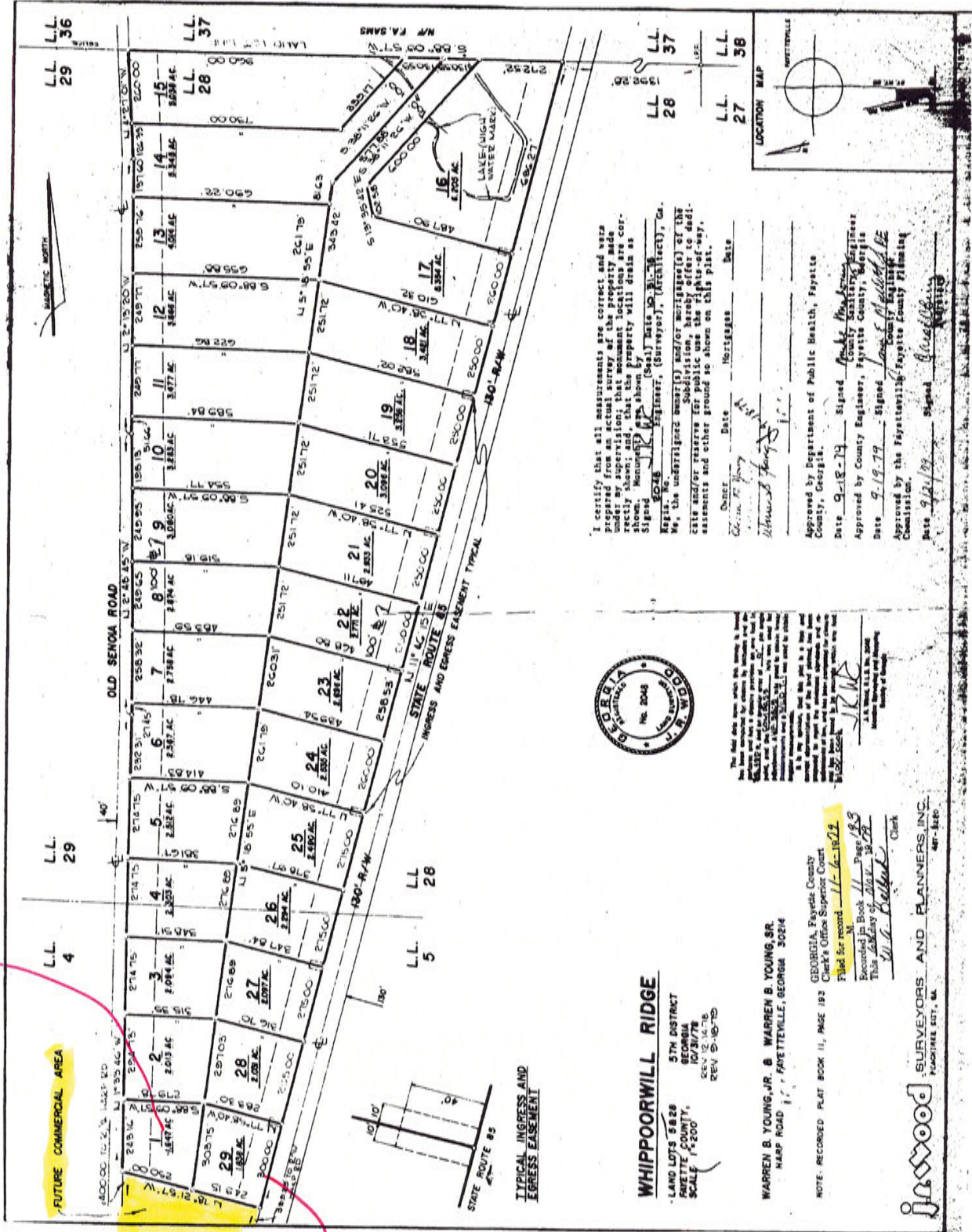
1984

1987

125 Jones Ct. 1995  
130 Jenny Lane  
1996

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Restrictions Deed Book 210 Page 42



hit the trifecta tonight because you are considering three commercial properties tonight in an area of the county which is growing. I get that a lot of people will stand up and discuss the county changes, and I get it, I was born here 60 years ago. I have watched this county change. Change is inevitable. I have farmed the land where Towne Center and Summit Point sit right now from the time, I was 9 to the time I was 18. So, you can imagine how much this county has changed in 60 years. I think Mr. Oliver made a good point, when the comp plans are considered, the question is do they look at every piece of land in the county? And the answer is no. If you look at this property, there is nothing other than houses around it that say it is a good piece of property for A-R residential. It is non-conforming; it is only 4.03 acres, and it doesn't even meet the 5-acre mark. It has been encroached by state highway improvement. It has been encroached upon by improvement along Harp Road. When Mr. Davis bought the property, Old Senoia Road was a gravel road. So, you now have the improvement of Old Senoia Road. So, through no fault of his own whether through road improvements or zoning updates which have made, this a non-conforming lot. All of these changes...he now has a piece of property that I don't think anyone in this room would build a house on. I could be wrong. I know that I wouldn't. I wouldn't want to be bordered by roads on three sides. I get that no one likes to change, and no one likes growth. Let's talk also about what is happening up the 85 corridor. I heard a comment by Mr. Thoms about commercial development. There is commercial development all up and down 85 South. If you look there are 4 signalized intersections up 85 South from the city limits all the way to where you go into Senoia. There is Ramah Road there is the Racetrack and even though it is in the city, it is also in the county. Then you get to Harp Road and that is the piece of property we are considering. Then the next piece of property is Bernhard, and you have fuel, retail, convenience, an office, a church, and a fire station at Bernhard Road and 85. The next intersection is Padgett Road, Hwy 74 and 85. What has been approved on two corners of this intersection is fuel and convenience. So, tell me what makes this property different than those pieces of property? Most of those properties are surrounded by residential. Most of those properties are parts of larger R-R tracts. So, I represent a gentleman who has owned this property for 41 years. He bought it from a gentleman who already knew that this property would probably never have a house on it due to the nature of the property. Through hardships not created by the landowner himself, he now has a non-conforming piece of property. I hate to say it but of the 60 years I have been here, I have been developing for 33 of those years. I have been a change agent here on things that people haven't liked. I have been a change agent on things that people have liked. I have friends who live adjacent to this property and friends in Rebecca Lakes. One of my friends growing up, his father is here, and he owns the immediate track to the north. There should be something said for landowner rights and there are certain things that have happened to this tract that have made it a non-conforming tract. The other four intersections the other three you have fuel. Let me give you another statistic. I went and looked at all the signal lights in Fayette County proper outside of the city limits. If you look at Hwy 85 N, 85S, 54E, 54W, 314, 92 N, 92S you have 22 signalized intersections. Of those 22 intersections, we have fuel and convenience on 13 of the 22 intersections. Of those 16 are commercial tracts with commercial uses. You have 5 tracts that don't have any commercial because when the signal was installed all tracts that touch that intersection were already zoned with residential houses. One tract that is totally different than the rest of them and that is the intersection of New Hope Road, 92 South, and Lees Mill where you have the historic



church, the community center, and Fayette County Water. So, the majority of signalized intersections throughout the county have all changed in the character of the piece of property. So, I represent an owner and a potential buyer who is a credible developer. He has done this a lot of times, and he is willing to conform to an overlay.

Ms. Bell states that the property is located in the state route overlay.

We are willing to develop to the standards of the overlay which would be residential in nature. We have potential elevations already...all brick, the gabled roof, it will have small retail just like Bernhard and 85 do. We will conform to the conditions. We will work with staff to mitigate the light transfer. There will be additional buffers required and any other conditions that staff may have. Again, we understand that this is not popular, and this is an issue, but I gave you the plat that was recorded. Those are addresses of homes in the area and when they were built. Based on when this land was platted. You can see most of these homes have been built from 1993 and out and have been platted since 1979 and it says future commercial use. We understand that this does not guarantee rezoning, and he did not go and get it rezoned at the time. Early on when he was discussing this with the county about making road improvements and they were talking about paving Old Senoia Road. He came to the realization as a developer that there was going to be no way that anyone was ever going to build a house on this piece of property. Look how old this property is and there has never been anything on it. It is just like the U.S. Station. It has been like that forever and with all the land around it, you are never going to get anyone to develop a lot and build a house. I am here to answer any questions. Change is hard and unpopular.

Mr. Culbreth asked if anyone else would like to speak in favor of the petition? Is anyone in opposition? OK, I see a lot of hands. Have you selected a speaking leader for you?

Hello, my name is Harry Sweatman. I live at 516 Old Senoia Road. I am next door to that lot. I have known Mr. Baker for 50 years or so. He made a statement that this lot was non-compliant. I assume it is non-compliant for someone building a house. Mr. Davis clear-cut that lot some 20 years ago which maybe made it non-compliant...I don't know. At the time, that was an old-growth forest almost. I don't think it was actually old growth, but it had some large, mature trees. Mr. Lindsey stated that there hadn't been any houses built facing 85. That's wrong. There has been plenty of houses, I believe from Perry Creek all the way to Harp Road. Some of them in the last 10 years or so. There is nothing but homes and churches. I don't know what he plans to do about light pollution because if he does do that my biggest hope is it would be something like a Dollar General because they do close. He is going to have light on there all the time. When I got there and heard it was going to be a service station, I was real upset about it. I also have one question, what happened when the county said that there would be no commercial development along the proposed west bypass? Have they changed that or changed the route? I have only lived here for about 40 years and in the county for about 50 years and all that growth is not pretty and doesn't justice to this county. Thank you.

Next speaker against.

Good evening, my name is Russell Blythe from Herons Landing. Commissioners, I am president of the Herons Landing HOA. We are a neighborhood of about 18 homes and the entrance is about 800 feet up Old Senoia Road from this proposed site. Many of our homeowners have school-aged children who attend Whitewater Schools and catch the bus right on Old Senoia. A number of our homeowners are here tonight, please raise your hands so we can see you. The planning and zoning staff has recommended denial and I think that

is the right decision. The subject property is surrounded on all sides by properties that are zoned residential. There are commercial properties about ½ mile to the south that we spoke about earlier tonight. This property is meaningfully different from the property we spoke about earlier tonight. The gas station that was there has been there for 6 decades. For the property of this petition, there has been nothing but trees and grass. There has not been anything on this property and that is the way it should stay. Unlike the other property too there is no access to the other property except on Hwy 85. On this property, there is access to Old Senoia Road and Harp Road in addition to Hwy 85. Regardless of what has happened on Hwy 85, there have been plenty of homes built on Old Senoia Road in the past 10 years. It is a perfectly reasonable use as a residential property. This is nothing like the property to the south. The nearest commercial property is nearly 2 miles away at the old Trading Post (1045 Highway 85 South). There is not a single property zoned commercial on Old Senoia Road. There is not a single property zoned commercial on Harp Road. Mr. Baker speaks with a silver tongue, and he is very persuasive. He mentioned that there are a lot of gas stations in town. I agree. There are a lot of gas stations in town. There is clearly no need, at this time to rezone an area that is clearly residential on all sides to put up another gas station. We don't need it. We are going to have another one ½ a mile away. We have one 2 miles in either direction. This is not a need for this county. The only need is for this owner who wants to transition this into commercial property to make some money off of it, but that is not going to be of benefit to the people who live in the area. There would be some significant hazardous impact. As I mentioned the residents in our area have a lot of children who catch the bus on Old Senoia Road. That is not intended to be a commercial artery. The last thing Old Senoia needs is more traffic, and it is sure to negatively impact the traffic on Harp Road as well. On behalf of the HOA at Herons Landing and the residents of the surrounding area who chose to live in a rural residential area, we request that you deny this petition.

Mr. Culbreth, "Anyone else wishing to speak against this petition?"

Good evening, my name is Paulette Roberts, and I am the President of the HOA at Rebecca Lakes yes, we have a large number of our residents that are here today. Our neighborhood has 100 homes, and we are right across the street to the proposed change. All the properties are zoned residential in the surrounding area. Although this is supposedly a non-conforming lot of 4-acres. The property just south of it was rezoned from A-R to R-70 changing a lot from 6 acres to 3 potential 2-acre lots. All residential. So, in keeping with the plan for this part of Fayette County. This is a very residential area and does not seem to fit that this particular property would be changed to commercial. The reason my husband and I were drawn to Fayette County was the comprehensive use plan and the respect for the residents who currently live there. By putting that as a commercial property, you are adversely affecting all the residents who live on those 4 corners. I don't believe that would be of the best use for all the residents who live in this area. As Mr. Blythe mentioned, there is economic use for this property if it stays residential. You could access it from Old Senoia Road or Harp and that is very possible. The way this change would adversely affect the property owners with a drop in property value, increased light, traffic, and possible water issues. We have 3 lakes in our neighborhood, and we don't need extra water heading our way. Finally, we have a lot of children and there are a lot of things sold in convenience stores that we don't want children to have easy access to. So, I would ask you to please consider the family aspect of Fayette County and how the southern part has always been

that way. We ask for the denial of this zoning change.

Thank you. We have 11 minutes left. Anyone else?

My name is Jessica Kennedy and I live on McElwaney in Rebecca Lakes. Paulette brought up a few of my points. The gentleman had spoken about not having driveways with road frontage and across from this, you guys approved a plan with a driveway to Harp and the other two are going to have driveways off of 85. So, I am not sure anyone would want to build a house knowing a gas station would be across from it. Paulette had brought up the ponds and the lakes. I actually own one of the ponds and the runoff comes from Harp and travels down the backs of McElwaney and Youngs. The runoff comes from there and drains into our pond. We do have fish and turtles. It actually drains down to the larger lakes. I have a concern if you were to take away all the grass and the soil and have concrete what the runoff would be? Also, down Old Senoia, you have the bird sanctuary, and I am sure that the runoff would affect that, and it is something that should be protected. I know someone said it was a triangular lot, but a triangular lot that you can put three homes feels a little more abnormal to build a home on. Like I said we have 99 homes in our neighborhood, we have Herons Landing, another neighborhood across from that area. It is going to devalue our home to have a 'stop and stab' there. I just can't imagine having a want or need especially if you guys just approved a vape store to go across from the middle school. I am not even really sure what you guys approved. I don't know how much business we would really want here. My husband and I chose our home based on the school system. If we start putting a gas station on every corner that can be robbed, now we have crime. Another thing to point out is there is a cut-through from the middle school to our neighborhood and I have actually sent two children back to the middle school during school hours. I don't think we want middle school children leaving school to walk through our neighborhood to go get their vape pods. That is just not conducive to the life I have built here in Fayette County. I grew up here. I lived on the north side of town. My mom still has a beautiful house there and she recently moved into our neighborhood. We don't want to turn into what was over there. I know we think we have a lot of homes, and we couldn't do that, but if we take every spare corner, we absolutely could! I am highly opposed to it! Thank you!

Mr. Culbreth, is there a rebuttal or another speaker?

Tim Thoms from McBride Road again. You bring three rezonings within a half mile of my house and I am going to come up here all three times. I hope I don't jinx these folks since I am 0 for 2 but I am up here batting with 2 strikes. I hope they talked to you at your seminar with the University of Georgia about spot zoning because this is the definition of spot zoning. If you approve this, you have practically tripled the commercial zoning in this area overnight if the Board of Commissioners approves it. And if you look at the other corners you are probably going to quadruple it. So, you are having a huge impact tonight, and I am extremely disappointed.

Thank you, sir.

Mr. Culbreth, ok sir. Thank you is there anyone else? Do we have a rebuttal?

Darrell Baker addressed the board for a rebuttal. The non-conforming lot piece is because the A-R zoning category requires 5-acres so that is why it is considered a non-conforming lot because it is only 4.03-acres. If you want to know how it got to 4.03 acres look at the roads around it. Look at the road expansions around it. So, we have had quite a few people talk about how commercial stops at the old Trading Post (1045 Highway 85 South). That's

not the case. If you go slightly south of that on the left side of the road, you have the Art of Landscape. That is a commercial business, not a residential use. So, you have more business beginning to move. Mr. Sweatman was concerned about it being open all night. The developer (Mr. Sing) who would be developing this would only propose being open from 6 am to 10 pm. I am sure that the county is going to require us to put cut-off shields on the lights that stay on, forcing the light straight down, which will aid in stopping light transfer across the property. And there will be required improved buffers that will be required by the county. On the new lots that were approved by the county. Only one of those lots (and it was the petitioner that got it approved) is bordered by two roads and that is the corner lot that was approved by Mr. Win Lee was approved. His lot borders Harp Road and 85. The rest of the lots front on 85 and the back of the lots are on Rebecca Lakes. So, they are not bordered on 3 sides and the majority are only bordered by one road. With regards to run-off, I would refer you to the staff report where the different departments weighed in if this were granted what would have to happen? I would refer you back to the statement that says this is not in a run-off area, it is not in a FEMA area, it is not in a wetland area. Any water that leaves the site will have to meet certain regulatory guidelines for water quality. We can't just develop anymore and let it run off into the detention ponds. We now need to spend a lot of money on water-quality structures. We now need to provide a rebound for additional water. Basically, when we develop a site, it has to drain like it did in an undeveloped state. Now the guidelines are even more stringent, where you have to clean the water even more before it leaves the site. The skeptic in me says I wish this were just about protecting property values because again these subdivisions were built after this land was platted. Whippoorwill Ridge was a piece where this was created. The homes subsequently were built after this lot was platted this way. Rebecca Lakes was subdivided and built much later than what happened down Old Senoia Road. Mr. Blythe spoke up from Herons Landing and if I remember correctly the first house built in there is the first house on the left and it was built in 2014. I asked the folks that are here when you come into an area and buy a home, how much research do you do? Do you look at the lots around you, do you look at the plats, do you see what people have designated to happen around you? When you buy a home one house off the state highway, do you ever think, the nature of this area could change? I have heard several people talk about how this is still a great residential lot, well, why didn't you build your house there? If it is a great residential lot, then why didn't you build there? Why did you move inward down to Harp Road or Old Senoia? The reality is this is not a residential lot and hasn't been one for a long time. If a lot is not allowed to be developed for something other than A-R, then it will never be developed, and you are taking away the landowner's rights of the man who has owned it for 40 years and the rights of the person before that.

I am Stan Parrott and I live off Harp Road on McElwaney. I have known the landowner for a long time. He is a very fine fellow. I don't want to inhibit a person from being able to achieve or buy land or develop it that they have paid taxes on for a long time. But well, a convenience store, my wife and I added a screen porch because of the mosquitos. We enjoy sitting outside in the evening. And I am all for the light that you put up there, but the noise increased substantially because people stop and then they take off. We do know that the noise, when they develop, the property is going to increase again substantially because of the elevation is higher up and I know that the sound is going to carry, I know some



neighbors when they were trying to sell their house the peoples' comments were how noisy it was due to Georgia 85. We are just adding to it and noise is my biggest concern. I don't know all of the dates, but our home was built in 1994. It wasn't the first house built in Rebecca Lakes. So, I know Mr. Warren Young who is now deceased, and any comment that he may have made about that being a commercial piece of property. It was quite rural back then, of course, if he was still if he was a neighbor like his son is I know he wouldn't approve of that land as a commercial property. As far as a business, if you have a business there that closes at normal business hours like 5 or 6 pm then that's fine, but to have a convenience store. One of the ladies who spoke about North Fayette County earlier. In North Fayette County there is a QT up there and if you go up there at certain times of day, you see people hanging out there and that is a busy station. We have grandchildren now and they stay with us at certain times of the week, and I look at what are you inviting there? People who hang around. You see some people just walking down Georgia 85. There are some homeless people I have even spoken to who just hang out there. The main thing is just the quality of the neighborhood. We all feel like this was a nice neighborhood. This was the border for going to Fayette County High School and then they built Whitewater High School and the lines changed. If someone was looking at our house, well we are going to add more noise. This is what we are concerned about for when we have to move. If a commercial use comes in, I don't think there is a future there for us. We love our neighbors. Thank you.

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"

***John Kruzan made a motion to deny Petition 1340-24. Danny England seconded the motion. The motion to recommend denial passed 5-0.***

9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single-family residential parcel.

Debbie Bell reviews the staff report for the above-referenced petition for the purpose of combining the property for a single-family residential parcel. As defined in the Fayette County Comprehensive Plan Rural-Residential-2 is designated for the request for R-70 is appropriate. Based on the staff investigation and analysis staff recommends conditional approval with the following recommended conditions:

#### RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of the rezoning, or prior to the approval of any additional building permits, whichever comes first.

Debbie Bell shows a display with an aerial of the previous United Soccer Training Complex property. It is now zoned so I did some creative coloring to illustrate. Mr. Ed Wyatt owns these two properties to the north. He is proposing to purchase 10.95 acres from the larger parcel. In order for him to combine that with his property it needs to be rezoned to match his property which is R-70. So, he is requesting to rezone this one from A-R back to R-70 which is consistent with the land use plan. It is undeveloped property. There is some floodplain, and he is aware of that. It does not affect the viability of doing the rezoning, but it is a factor on the lot. Debbie Bell projects an exhibit provided by a

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

Yes, sir, my name is Jeff Collins and I hope this doesn't take too long and it is less controversial. Ms. Bell did a fantastic job of explaining it, so I don't want to overdo it. The intent here today is to subdivide the 10.95 acres so it can be conveyed to Mr. Wyatt and in order to combine it, it must be like zoning. So, to have the same zoning as his property, which is R-70, we need to rezone to the same so he can have a little more space there.

Mr. Culbreth asks if anyone else is in favor. Is anyone against? If not, we will bring it back to the board for discussion and questions.

Danny England asks if there is a gas station on this property and says let the minutes reflect there is no gas station on this property. Our first rezoning without a gas station tonight.

Mr. Culbreth, discussion?

***Danny England made a motion to approve Petition 1341-24 with conditions. John Kruzan seconded the motion to approve with conditions. The motion passed unanimously.***

**ADJOURNMENT:**

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

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**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**JOHN CULBRETH, SR.  
CHAIRMAN**

**ATTEST:**

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**CHRISTINA BARKER  
PLANNING COMMISSION SECRETARY**

## OATH OF OFFICE

### STATE OF GEORGIA COUNTY OF FAYETTE

I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

Sworn to and subscribed before me this 1st day of February, 2024.

  
Boris Thomas

  
Witness

  
Notary Public



**PLANNING COMMISSION RECOMMENDATION****DATE:** February 1, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1339-24, the application of Thomas Crossroads LLC to rezone 5 acres from R-70 to C-H, be:

\_\_\_\_\_ Approved \_\_\_\_\_ Withdrawn \_\_\_\_\_ Denied

\_\_\_\_\_ Tabled until \_\_\_\_\_


*Fr-0* ☒ Approved with Conditions \_\_\_\_\_

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

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

This is forwarded to you for final action.

  
JOHN H. CULBRETH, SR., CHAIRMAN

  
JOHN J. KRUZAN, VICE CHAIRMAN

  
DANNY ENGLAND

  
JIM OLIVER

  
BORIS THOMAS

**Remarks:**

\_\_\_\_\_

**STATE OF GEORGIA  
COUNTY OF FAYETTE**



## **RESOLUTION**

### **NO. 1339-24**

**WHEREAS**, Thomas Crossroads, LLC, having come before the Fayette County Planning Commission on February 1, 2024, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 5 acres from R-70 to C-H for the for the purpose of developing as a commercial property; and

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

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

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

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

This decision is based on the following reasons:

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

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**



**DEBORAH BELL  
PLANNING & ZONING DIRECTOR**



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

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**PETITION No (s):** 1338-24

STAFF USE ONLY

**APPLICANT INFORMATION**

Name JERRY BATTLE, JR. & NEUSA  
 Address 455 MEADOWDALE DRIVE  
 City FAYETTEVILLE  
 State GA. Zip 30215  
 Email [REDACTED]  
 Phone 770-776-9117

**PROPERTY OWNER INFORMATION**

Name SAME AS  
 Address APPLICANT  
 City INFORMATION  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone \_\_\_\_\_

**AGENT(S) (if applicable)**

Name RANDY M. BOYD  
 Address P.O. BOX 64  
 City ZEBULON  
 State GA. Zip 30295  
 Email boyd2227@gmail.com  
 Phone 404-275-1677

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: Debra M. Smith Date: 12/11/2023

DATE OF PLANNING COMMISSION HEARING: February 1, 2024

DATE OF COUNTY COMMISSIONERS HEARING: February 22, 2024

Received from Jerry Battle, Jr. a check in the amount of \$ 250.00 for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: 12/11/2023 Receipt Number: \_\_\_\_\_

① updated survey  
 ② notarized owners ✓



PETITION No.: 1338-24

## OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: JERRY BATTLE, JR. & MELISSA BATTLE  
ADDRESS: 455 MERRYDALE DRIVE, FAYETTEVILLE, GA. 30215

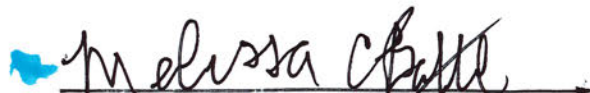
PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

JERRY BATTLE, JR. & MELISSA BATTLE affirms that <sup>they are</sup> ~~he is~~ the owners or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$\_\_\_\_\_ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-72.

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: SEE ATTACHEDPUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of 1st February, 2024 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of February, 2024 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 11<sup>TH</sup> DAY OF DECEMBER, 2023

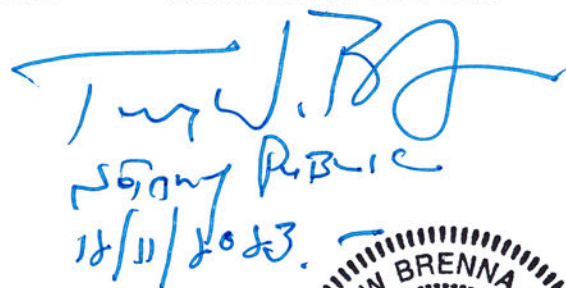
SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

12/11/2023  
Notary Public  
12/11/2023



PETITION No.: 1338-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

**PROPERTY INFORMATION** (please provide information for each parcel)

Parcel # (Tax ID): 0449 061 Acreage: 2.082 ACRES  
 Land District(s): 4th Land Lot(s): 252  
 Road Name/Frontage L.F.: McBRIDE ROAD Road Classification: COLLECTOR  
 Existing Use: RESIDENTIAL Proposed Use: RES., SHED, METAL BURG  
 Structure(s): 3 Type: RESIDENTIAL, SHED, METAL BURG. Size in SF: 1158, 600, 1800  
 Existing Zoning: AR Proposed Zoning: R-72  
 Existing Land Use: RURAL RES. Proposed Land Use: RURAL RESIDENTIAL  
 Water Availability: YES Distance to Water Line: 350' EAST Distance to Hydrant: 350' EAST ON NORTH SIDE OF McBRIDE RD.

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 BATTLE, JR. & MELISSA BATTLE

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0449 061

(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) 252 of the 4th District, and (if applicable to more than one land district) Land Lot(s) — of the — District, and said property consists of a total of 2.082 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(I) Melissa Battle

Signature of Property Owner 1

455 Merrydale Dr Fayetteville  
30215

Address

Signature of Property Owner 2

455 Merrydale Dr Fayetteville  
30215

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

P.O. Box 64  
ZEBULON, GA.  
30295

Signature of Notary Public

12/11/2023

Date

Signature of Notary Public

12/11/23

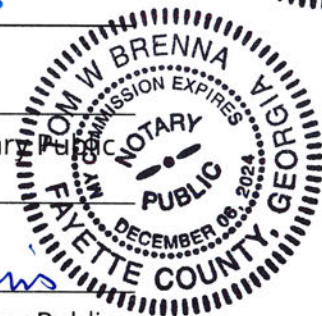
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



Deborah M Sims  
 NOTARY PUBLIC  
 Coweta County, GEORGIA  
 My Commission Expires 01/05/2027



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

We, JERRY BATTLE, JR. & MELISSA BATTLE, 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 40 FEET 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 11<sup>TH</sup> day of DECEMBER, 2023.

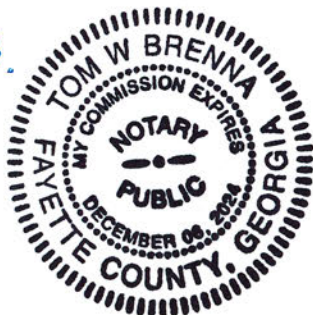
  
SIGNATURE OF PROPERTY OWNER

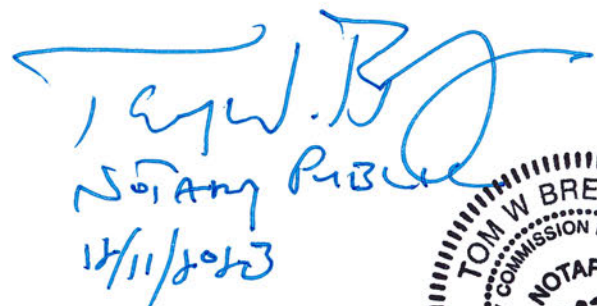
  
SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

12/11/2023



  
NOTARY PUBLIC  
12/11/2023



REZONING APPLICATION

## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address:  
[www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".  
☒ 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 11th day of DECEMBER, 2023.



APPLICANT'S SIGNATURE



**DISCLOSURE STATEMENT**

(Please check one)

Campaign contributions:

☒ No☐ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

## CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

Type: WD Page 125 of 210  
Recorded: 4/10/2023 12:18:00 PM  
Fee Amt: \$230.00 Page 1 of 2  
Transfer Tax: \$205.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID(s): 1138094925,  
7067927936

**BK 5603 PG 624 - 625**

Please return to:  
Lawson, Beck & Sandlin, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 23-LAW-0313

STATE OF GEORGIA  
COUNTY OF FAYETTE

3

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 7th day of April, 2023 between

**Janet C. Mask**

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

**Jerry Battle, Jr. and Melissa Battle as Joint Tenants With Right of Survivorship**

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

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

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 227.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

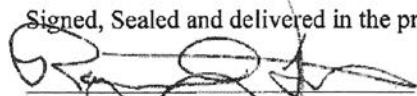
Subject to restrictive covenants and easements of record.

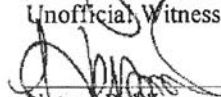
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

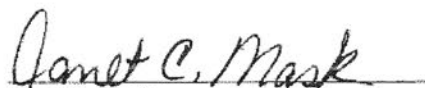
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public



  
Janet C. Mask



**AFTER RECORDING PLEASE RETURN TO:**

**LAWSON, BECK & SANDLIN, LLC  
1125 COMMERCE DRIVE, SUITE 300  
PEACHTREE CITY, GEORGIA 30269  
FILE NO. 23-LAW-02313**

Participant ID(s): 1138094925,  
7067927936

**BK 5626 PG 415 - 416**

**Please Cross-Reference Deed Book 5603, page 624,  
Fayette County, Georgia Records**

**Please Cross-Reference Deed Book 5603, page 626,  
Fayette County, Georgia Records**

Space above to be used for recording purposes.

STATE OF GEORGIA  
COUNTY OF FAYETTE

**SCRIVENER'S AFFIDAVIT**

BEFORE ME, the undersigned attesting authority in and for the said State and County, came the undersigned deponent, who being duly sworn deposes and says on oath that this Affidavit relates to the legal description contained in that certain *Limited Warranty Deed* between Janet C. Mask, on the one hand, and Jerry Battle, Jr. and Melissa Battle, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at the Deed Book 5603, page 624, Fayette County, Georgia Records, as well as the legal description contained in that certain *Security Deed* between Jerry Battle, Jr. and Melissa Battle, on the one hand, and Mortgage Electronic Registration Systems, Inc., as nominee for Rocket Mortgage LLC, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at Deed Book 5603, page 626, Fayette County, Georgia Records.

1. I certify that I am an attorney licensed to practice law in the State of Georgia, and I give this Affidavit based upon my own personal knowledge.
2. I certify that I prepared the legal description set forth in the *Limited Warranty Deed* and the *Security Deed* referenced above, and a scrivener's error was made with regard to the legal description set forth therein. A distance call in the metes and bounds description erroneously referenced a distance of "227.17 feet." The call should have been listed as "277.17 feet."
3. The correct legal description for the *Limited Warranty Deed* and the *Security Deed* should be as follows:

**All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:**

**BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as**

McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 277.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

I give this Affidavit for the purpose of explaining and clarifying the scrivener's error contained within the referenced instrument and with the understanding that it will be relied on by prospective purchasers and lenders now dealing with the property owners and title insurance companies insuring title to the same.

Further, Affiant sayeth not this 15 day of June, 2023.

Sworn to and subscribed before me,

this 15 day of June, 2023.

Ashley Ambury  
Witness

Heather Dognazzi (Seal)  
Heather Dognazzi, Affiant

Adriane L. Cagle  
Notary Public



**B3**

**Wednesday, January 17, 2024**  
**Deadline: Each Friday by 10 a.m.**  
**770-461-6317**  
**legals@fayette-news.com**

# **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, February 1, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, February 22, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1338-24  
 Owner/Agent: Jerry Battle, Jr., Melissa Battle/Randy Boyd  
 Existing Zoning District: A-R  
 Proposed Zoning District: R-72  
 Parcel Number: 0449061  
 Area of Property: 2.140 acres  
 Proposed Use: R-72

Land Lot(s)/District: 252 of the 4th District

Fronts on: McBride Road

Legal Description:

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

**BEGINNING** at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 227.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia. Subject to restrictive covenants and easements of record.

01/17

George Sullivan  
699 McBride Road  
Fayetteville, GA 30215  
404-973-5172

October 05, 2023

Fayette County Zoning Board  
Fayetteville, GA 30215

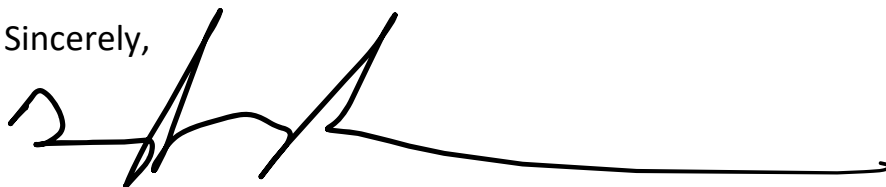
To whom it, may concern,

I am submitting this letter in support of Jerry Battle, Jr's Re-Zoning Invariance Request to allow improvements at 689 McBride Road, Fayetteville, 30215. I own Lot 2, Land Lot 252, 4<sup>th</sup> District, Fayette, Co, GA, also known as 699 McBride Road. The eastern edge of my property adjoins Mr. Battle's.

I've had the pleasure of knowing Mr. Battle since he bought that property, which, was a ransacked eyesore on McBride Road. Since owning it he has made drastic improvements to both its appearance and function but now needs a zoning variance to proceed with future improvements. Knowing his vision for its future use, I fully support his re-zoning request so that he can proceed with any further improvements he deems necessary.

Please don't hesitate to contact me if I can be of further assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'George Sullivan', with a long horizontal flourish extending to the right.

George Sullivan



W/F  
SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT OF  
WASHINGTON D.C.  
DB 1712PG 115-116

#### SURVEYORS CERTIFICATION

This plat, refinement of an existing survey or parcel of land and does not subdivide or create a new parcel or make any changes to any real property, plats, plans, or other instruments containing information on the documents, maps, plats, or other instruments which created the parcel or parcels are titled **RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABLE FOR PERMITS, REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND**. Furthermore, the undersigned and surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in C.G.A. Sections 15-6-61.

### FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE, AND THE LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-9-07).

BY: SWINSON, A. GASKINS, Sr. GEORGIA REGISTERED LAND  
SURVEYOR NO. 1620  
DATE: 10/27/23

NIF  
SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT OF  
WASHINGTON D.C.  
DB 1712 PG 115-116

**FLOOD STATEMENT**  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13113C0166, DATED SEPTEMBER 28,  
2008, THIS PROPERTY DOES NOT LIE  
WITHIN A SPECIAL FLOOD HAZARD  
AREA.

Job No. 23-061

RDG.	RM
------	----

F.W.P.D.: 10M1223

REVISIONS

1



JERRY BATTLE, JR  
AND  
MELISSA BATTLE

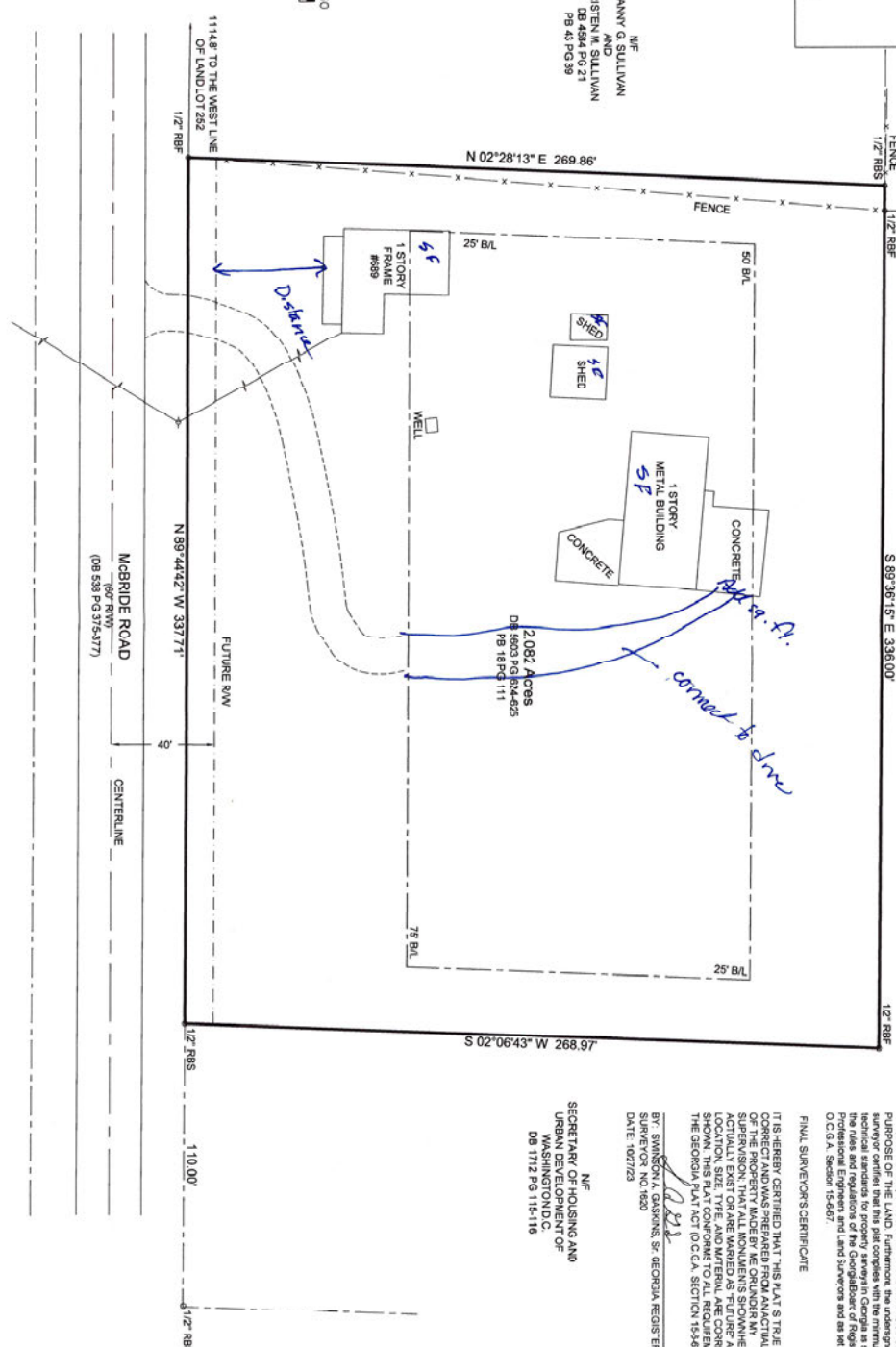
**Property Location**  
Land Lot 252 Of The 4th Land District  
Fayette County, Georgia

**S.A. GASKINS &  
ASSOCIATES, LLC**  
surveyors, planners, development consultants  
881 CAMPGROUND ROAD GRIFFIN, GA 30222  
678-671-3064  
info@gaskins79@gmail.com

**CLOSURE STATEMENT:**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 07" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 03 TOR TOTAL STATION



# COUNTY AGENDA REQUEST

Page 132 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1344-24, Stephen Willoughby Homes, LLC, owner; Richard Lindsey, Attorney, agent; request to rezone 41.10 acres from A-R to R-40 for the purposes of developing a single-family residential subdivision; property located in Land Lot 230 of the 5th District and fronts on Kenwood Road and Longview Road.

## Background/History/Details:

The property is a single tract with one (1) single family home. It is a legal lot of record and is zoned A-R. There is no history of prior rezoning; it is not located in an overlay district. The existing home does meet dimensional standards for R-40.

On March 7, 2024, the Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL, subject to conditions recommended by Staff. Per the Fayette County Comprehensive Plan, the area is designated for Low Density Residential (1 unit per 1 acre), so the request to rezone to R-40 aligns with the Future Land Use Map and Comprehensive Plan.

Staff recommends CONDITIONAL APPROVAL subject to conditions. Please refer to the staff report for the full text of the conditions.

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

Approval of Petition No. 1344-24, Stephen Willoughby Homes, LLC, owner; Richard Lindsey, Attorney, agent; request to rezone 41.10 acres from A-R to R-40 for the purposes of developing a single-family residential subdivision; property located in Land Lot 230 of the 5th District and fronts on Kenwood Road and Longview Road with six (6) conditions.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

**PETITION NO: 1344-24**

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

**PARCEL NUMBER:** 0550 061

**PROPOSED USE:** Single-Family Residential

**EXISTING USE:** Agricultural/Residential

**LOCATION:** 434 Kenwood Road/Longview Road

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 230

**ACREAGE:** 41.10 acres

**OWNER(S):** Stephen Willoughby Homes, LLC

**AGENT:** Richard P. Lindsey, Attorney

**PLANNING COMMISSION PUBLIC HEARING:** March 7, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 28, 2024

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 41.10 acres from A-R (Agricultural-Residential) to R-40 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**PLANNING COMMISSION RECOMMENDATION**

On March 7, 2024, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the request, subject to staff's recommended conditions.

**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 R-40 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-40, Single-Family Residential District.

**RECOMMENDED CONDITIONS**

1. Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Kenwood Road. The corner at the intersection of Kenwood Road and Longview Road shall be chamfered 20 feet along tangent legs.
2. Longview Road is a collector on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 40 feet of right-of-way as measured from the existing centerline of Longview Road.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.
4. The development shall have no more than eight (8) homes with direct road frontage onto Kenwood Road and Longview Road.
5. Any new road constructed to access lots shall be built with a deceleration lane and acceleration taper per the Fayette County Entrance and Striping Detail.



## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The property is a legal, conforming lot in the A-R zoning district. It is a legal lot of record based on the ordinance criteria. The existing home meets or exceeds the dimensional requirements of R-40.

This property is not located in an overlay zone.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

The property is a single-family residence with light agricultural uses.

### **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.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North (across Kenwood Rd)	13	R-40; A-R	Church	Low Density Residential (1 unit/1 acre)
East (across Longview)	50	A-R	Undeveloped; Single Family Residential	Low Density Residential (1 unit/1 acre)
South	10	A-R	Single Family Residential	Low Density Residential (1 unit/1 acre)
West	27	R-40	Single-Family Residential	Low Density Residential (1 unit/1 acre)

### **E. COMPREHENSIVE PLAN**

**Future Land Use Plan:** The subject property lies within an area designated for Low Density Residential on the Future Land Use Plan map. This request does conform to the Fayette County Comprehensive Plan.

## F. ZONING/REGULATORY REVIEW

**Access & Right-of Way:** The property has existing access on Kenwood Road and Longview Road.

**Site Plan:** The applicant submitted a survey for the property.

## G. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Fayette County Water System currently has water available along Kenwood Rd. Fayette County Water System may require water main extension along Longview Rd. at the developer's expense.
- ☐ **Public Works/Engineering**
  - Road Frontage & Right of Way Dedication
    - Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan.
    - Longview Road is a collector on the Fayette County Thoroughfare Plan.
  - **Traffic Data** - According to GDOT on-line traffic data, the annual average daily traffic for Kenwood Road is 3,330 vehicles per day. There is no traffic data for Longview Road.
    - Under A-R zoning, a development of 8 homes would generate approximately 76 trips per day (a 2.3% increase if all the traffic were on Kenwood Road). With R-40 zoning, a development of 29 homes (assuming 30% of the land used for roads, stormwater, etc.) would generate approximately 276 trips per day (an 8.3% increase). This value is based on the theoretical number of homes that could be built under the existing A-R zoning.
- ☐ **Environmental Management** - No objections.
  - **Floodplain Management** -- The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0039E 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.
  - **Watershed Protection** -- There **ARE** state waters located on the subject property and the development **WILL BE** subject to the Fayette County Watershed Protection Ordinance.
  - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
  - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management

Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

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

- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning of this property. This does not constitute endorsement of the use or designation of one acre lots. For residential housing, septic systems will be required for this location.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – n/a

## **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.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal is not likely to adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as low density residential.

## **ZONING DISTRICT STANDARDS**

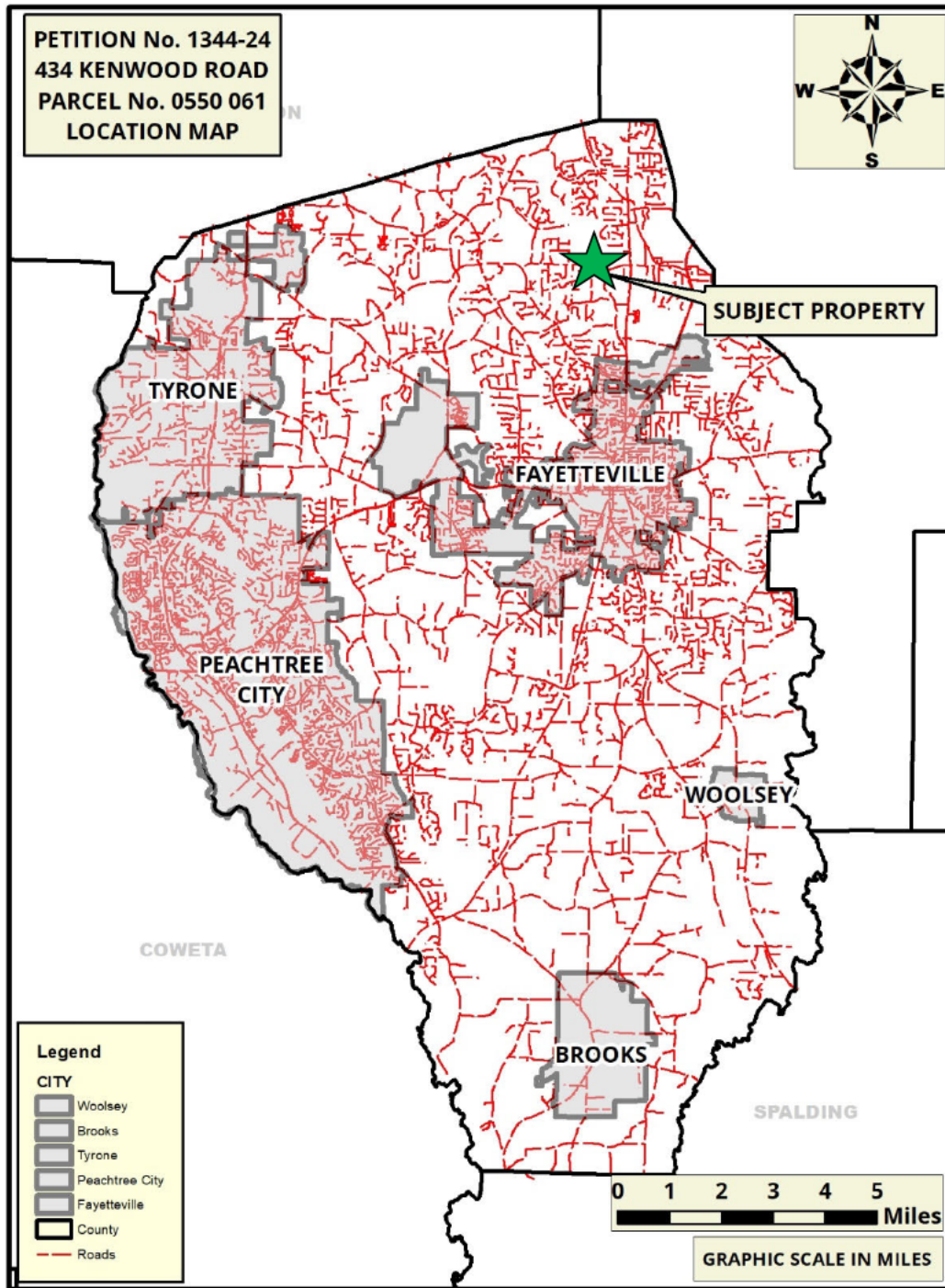
### **Sec. 110-137. R-40, Single-Family Residential District.**

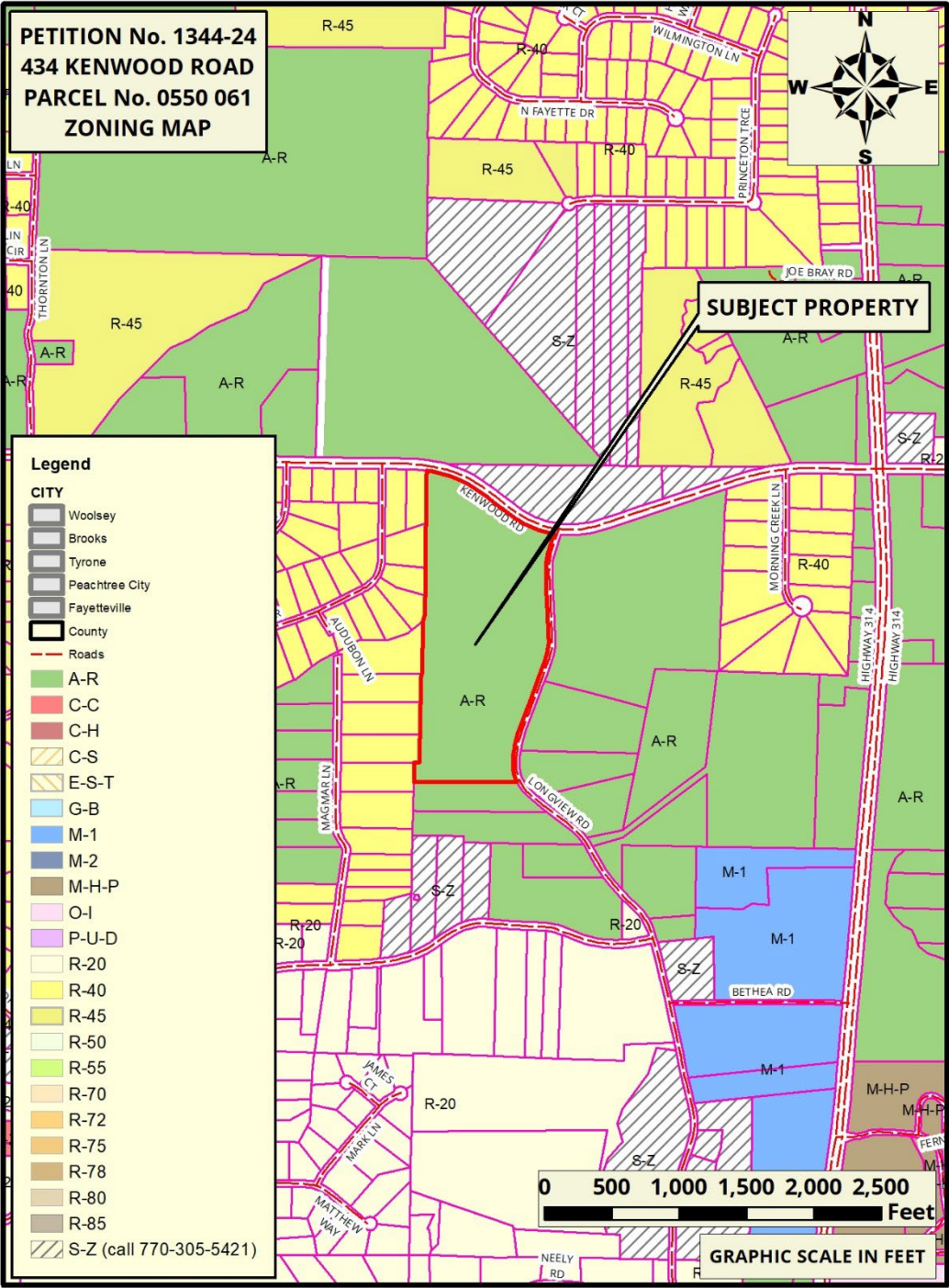
- (a) *Description of district.* This district is composed of certain lands and structures in the county, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-40 zoning district:
  - (1) Single-family dwelling;
  - (2) Residential accessory structures and uses (see article III of this chapter); and
  - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-40 zoning district provided that all conditions specified in article V of this chapter are met:
  - (1) Church and/or other place of worship;
  - (2) Developed residential recreational/amenity areas;
  - (3) Home occupation;
  - (4) Horse quarters; and
  - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:
  - (1) Lot area per dwelling unit:
    - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
    - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
  - (2) Lot width:
    - a. Major thoroughfare:
      - 1. Arterial: 150 feet.
      - 2. Collector: 150 feet.
    - b. Minor thoroughfare: 125 feet.
  - (3) Floor area: 1,500 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 60 feet.



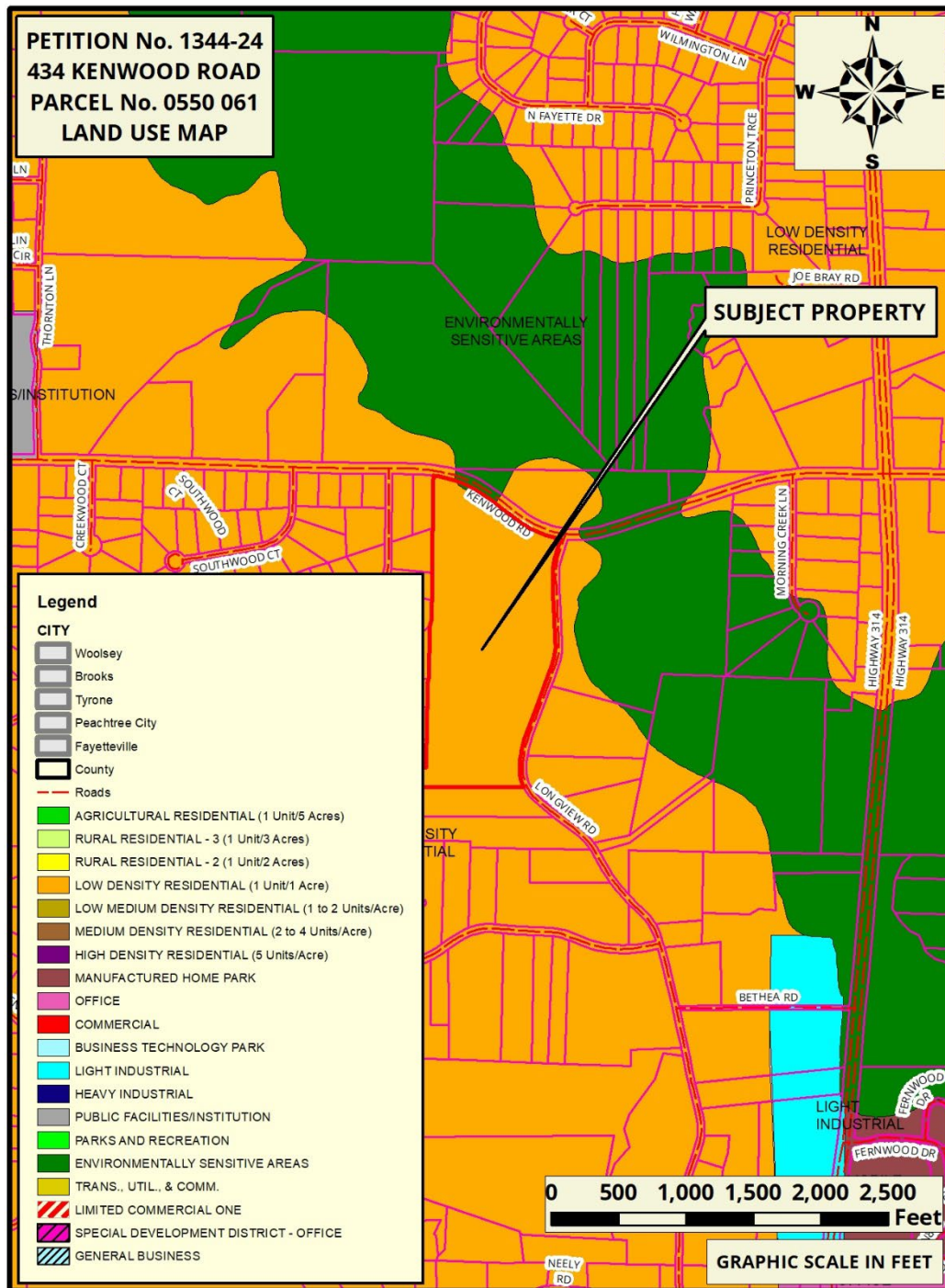
- 2. Collector: 60 feet.
- b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.
- (7) Height limit: 35 feet.

(Code 1992, § 20-6-13; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

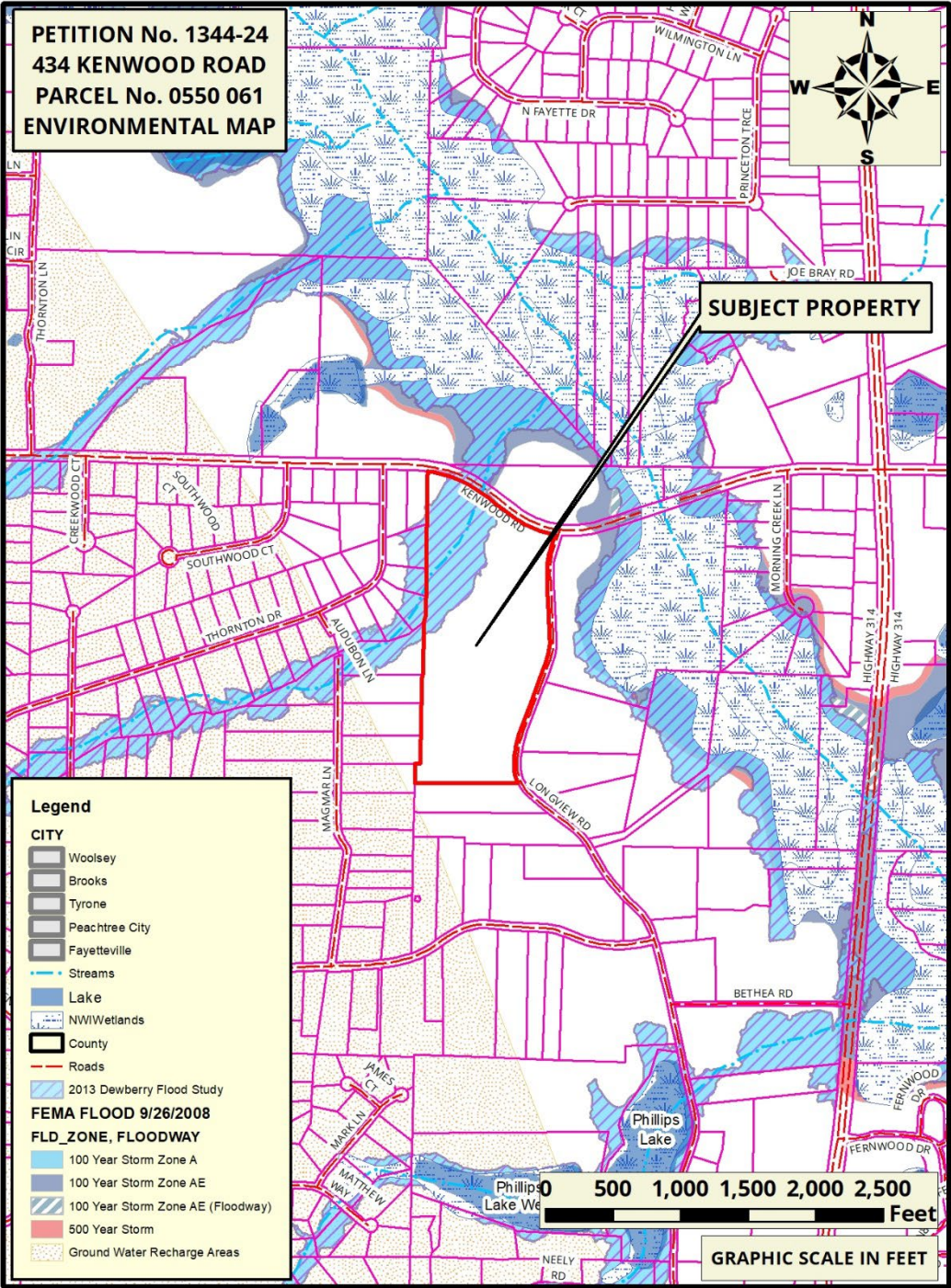




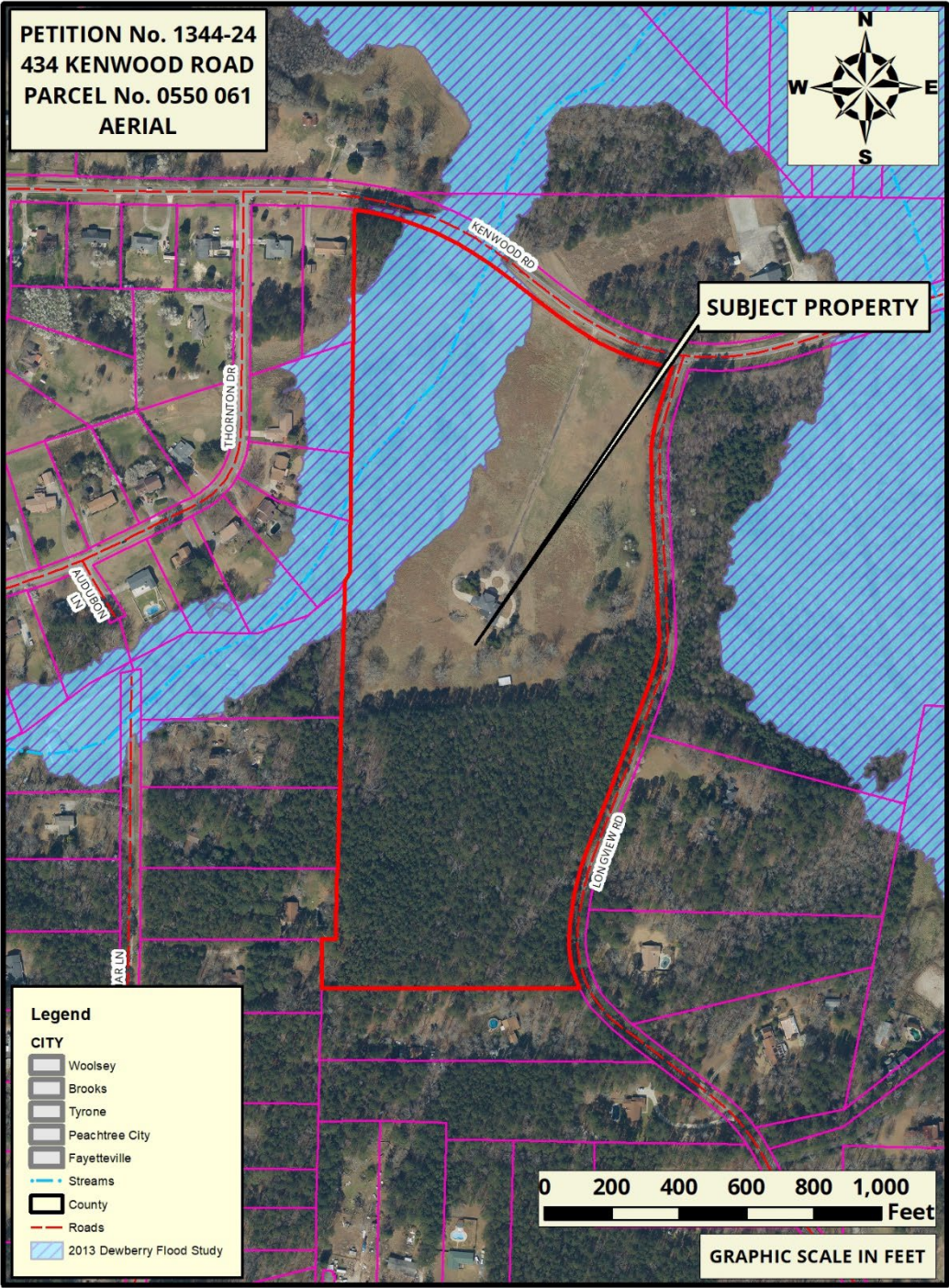


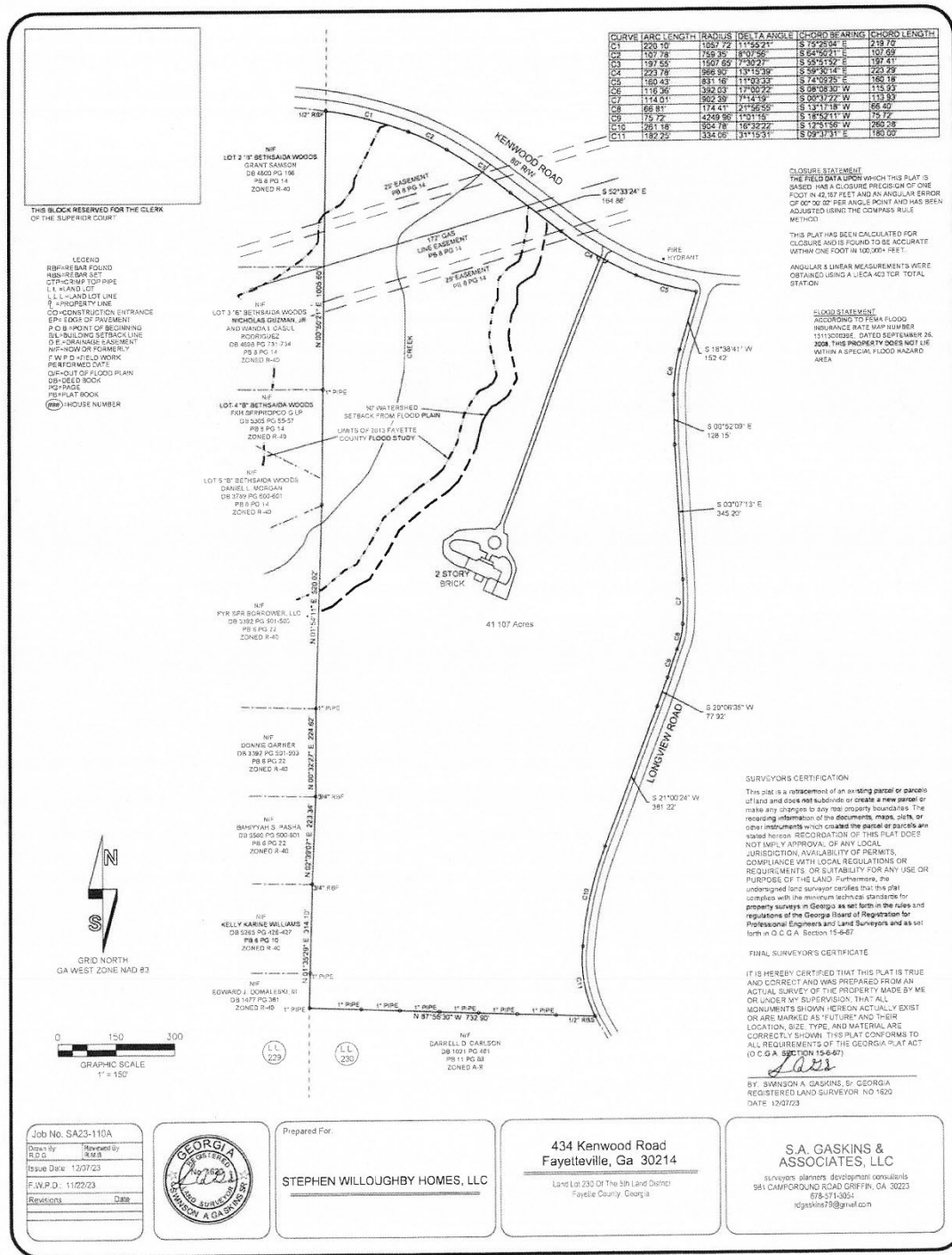












**BOARD MEMBERS**

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  
Christina Barker, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA OF ACTIONS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
March 7, 2024  
7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Danny England made a motion to approve the agenda with the following item number 5 changed to read Approval of Major Final Plat for Paislee Park. John Kruzan seconded the motion. The motion passed 5-0.*
4. Consideration of the Minutes of the meeting held on February 1, 2024. *Danny England made a motion to approve the minutes of the meeting held on February 1, 2024. John Kruzan seconded the motion. The motion passed 5-0.*
5. Approval of ~~Minor Final Plat for Sterling Ridge~~. *Item number 5 was amended to read Approval of Major Final Plat for Paislee Park. John Kruzan made a motion to approve the Major Final Plat for Paislee Park. Danny England seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

6. Consideration of Petition No. 1344-24, Stephen Willoughby Homes, owner; Rick Lindsey, agent, request to rezone 41.10 acres from A-R to R-40 for the purposes of developing a subdivision of single-family detached homes; property is located in Land Lot 230 of the 5th District and fronts on Kenwood Road and Longview Road. *Jim Oliver made a motion to approve Petition No. 1344-24 with conditions. Danny England seconded the motion. The motion passed 5-0.*



# Meeting Minutes 3/7/2024

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 7, 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  
Jim Oliver  
Boris Thomas

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Christina Barker, Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Danny England made a motion to approve the agenda with the following item number 5 changed to read Approval of Paislee Park. John Kruzan seconded the motion. The motion passed 5-0.*
4. Consideration of the Minutes of the meeting held on February 1, 2024. *Danny England made a motion to approve the minutes of the meeting held on February 1, 2024. John Kruzan seconded the motion. The motion passed 5-0.*
5. Approval of Minor Final Plat for ~~Sterling Ridge~~. *Item number 5 was amended to read Approval of Minor Final Plat for Paislee Park. John Kruzan made a motion to approve the Minor Final Plat for Paislee Park. Danny England seconded the motion. The motion passed 5-0.*  
Rod Wright is here tonight to request the approval of the Final Plat for Paislee Park.  
John Culbreth asks if there are any questions from the board. There were none.

## PUBLIC HEARING

6. Consideration of Petition No. 1344-24, Stephen Willoughby Homes, owner; Rick Lindsey, agent, request to rezone 41.10-acres from A-R to R-40 for the purposes of developing a subdivision of single-family detached homes; property is located in Land Lot 230 of the 5th District and fronts on Kenwood Road and Longview Road.

Debbie Bell reviews the staff report for Petition No. 1344-24. Low-density residential, 1 unit per 1- acre is designated in this area, so the request for R-40 zoning is appropriate. Staff recommends conditional approval of the petition with recommended conditions.

## **RECOMMENDED CONDITIONS**

1. Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Kenwood Road. The corner at the intersection of Kenwood Road and Longview Road shall be chamfered 20 feet along tangent legs.
2. Longview Road is a collector of the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 40 feet of right-of-way as measured from the existing centerline of Longview Road.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.
4. The development shall have no more than eight (8) homes with direct road frontage onto Kenwood Road and Longview Road.
5. Any new road constructed to access lots shall be built with a deceleration lane and acceleration taper per the Fayette County Entrance and Striping Detail.
6. The development shall provide a 30-foot access easement from the interior street to the right-of-way on Kenwood Road.

There were no specific objections by staff. Most of the conditions you heard about are related to transportation uses. The property is located in North Fayette County, specifically at the southwest corner of Kenwood Road and Longview Road. It is currently zoned A-R and has one single-family home on it. You can see the land-use plan is low-density residential. There are some environmental features on the property that will be subject to the watershed protection ordinance. This is a closer look at the property by the aerial. You can see there is currently a single-family home on the lot now. That home does meet or exceed R-40 so if it remains that is no issue. Here is a survey of the property.

Good evening, Mr. Chairman. My name is Rick Lindsey, and I am here tonight representing Stephen Willoughby Homes. My client would like to develop a high-quality subdivision. The price point of the homes is projected to be \$800,000 and up. As Debbie was describing there are some water issues on the NW corner and there is an easement that crosses over the property. We will comply with all the local ordinances with setbacks and such for the sensitive areas that are up in that part. I believe the conditions are acceptable. I would like to talk about the 30-foot easement that connects to Kenwood. I had a conversation with Debbie, and I believe if we put a street up there that connects Kenwood with the subdivision, that could serve as the access easement. Is that correct?

Debbie Bell, "That is correct. The purpose of the request is in the long-range transportation planning. There are plans for a multi-use path along Kenwood Road. That hasn't been specifically engineered.

Rick Lindsey stated that, "At this time there have been no definitive plans drawn. There have been some drawings back and forth, talking to the civil engineers, but no final plan as to what the subdivision street would look like. But the plan is for there to be internal streets with all the homes facing inward internally and not on Kenwood or

Longview. On the west side of the property, those properties are already zoned R-40. Those to the south and the east are zoned A-R, and to the north right across the is a Baptist Church. It does fit in the neighborhood, and it also complies with the future land plan and the comprehensive plan of the county. Again, my client wants to develop a new quality subdivision for new residents coming into the northern part of our county. This area was developed primarily in the 70's and 80's and there hasn't been development in a long, long time. This will bring a new home product to a market where there hasn't been any meaningful development in this area for a long time. This will be a new home product for those looking for new construction and to live in expensive homes. Hopefully, this will provide some new shoppers who will patronize the stores and the restaurants in the northern part of the county. My client seeks to be a good neighbor and bring a quality product to the county. I would like to reserve the rest of my time for any rebuttal and to respond to anyone who might be opposed to this development.

John Culbreth asked if anyone else would like to speak on behalf of the petitioner or in opposition.

"Hello, my name is Darrell Carlson and I live on Longview Road. The side of my property is actually where this property backs up. I have a few concerns as do some of my neighbors. We haven't been able to get a lot of the neighbors here tonight, but we are worried about our property values. I think that is probably out of the worry realm right now because of what was said about the \$800,000. R-40 stipulates 1,500 s.f. or larger, which is not an \$800,000 home. I am concerned about maybe a different classification of perhaps R-55 or something that would demand a bigger home. There are very nice homes in this area and many of us are worried about the decline of our homes. So, he has cleared up the \$800,000 home so that must be at least 3,500 square feet. So, also a concern is I don't know if the existing home that was there is going to stay. Also, how far off of Longview are these homes going to be? According to the description of the map, it looks like all of these homes are going to have frontage on Longview, because of the existing drive and what's already there. I know the property well and I tried to buy it a number of years ago. My neighbors and I are very concerned about the homes that are going to front on Longview. This is a 25-mile-an-hour small road to live on and we have already increased the traffic on it probably two or three times from when the bridge was out on Kenwood, and it has made our street very disastrous. I have had 4-5 accidents last year just out in front of my house. That is my main concern, and I don't know if it is possible to reclassify it to an R-55 or what control we have over this. I just want to be here in opposition just to make sure that it doesn't devalue our homes in any way shape or form. It is also a concern; I would like to see a plat that shows where the homes are going to go. On the existing home, there was probably a 25- or 30-acre area that was cleared. It's got many pines growing up now, but I don't know if they can answer that. Where the positioning of these homes is going to be. If they are putting acceleration and deceleration lanes on our small street, it is going to have to be redone. If there are 8 homes off the street, how far will they be off the road? I don't know what zoning requires for that.

Thank you, sir, is there anyone else in opposition? John Culbreth asks.

Good evening, I am Cynthia Cunningham, and I am Daryll's neighbor across the street. One of our concerns is what it would do to property values, but hearing the \$800,000



valuation, I am not concerned about that. The lady over there spoke of a potential future project regarding pathways and in speaking about a future road. We have not seen a plan and he has not spoken to the engineers about it. If there was a new road then all the homes would be facing inward, with all the access from this new street that doesn't currently exist. If they didn't opt for that plan, then you wouldn't have a road there and all the houses would be backing up onto Longview. The addition of an acceleration or deceleration lane wouldn't alleviate the concern that Daryll has about car accidents in front of his home. Within the last year, seriously, there have been at least 5 accidents. Each accident involves 3 fire trucks, a couple of police cars, and a couple of ambulances, and the whole street is completely blocked. This is because there is a dangerous turn on a road that has not had a lot of maintenance. I don't, personally, think the current state of the road properly handles the volume and the speed of the vehicles that go down it now. I can only imagine how if this development were to come to fruition how the traffic would increase and I would think improvements to Longview need to be made, because who wants someone to get killed just so someone can build some new houses? Let's make people safe, please.

"Thank you, anyone else in opposition," said John Culbreth.

Hello, my name is Steve Cunningham. A lot of concerns I have, one is that a lot of the homes out there have 5, 6, 7 -acres. Having a development out there is kind of alarming. It comes out of the blue actually. You know there is a lot of wildlife out there. A lot of deer call that home out there. I am not sure they took surveys, but it is going to force them into other communities or the roads. It is a danger zone just the way it is. I am not sure anyone has been out there, but it can barely handle the volume it handles now. I just think it is a bad idea. If they could do 5-acre lots, perfect, there would be minimal impact on the environment. There are not a lot of trees out there so maybe they could plant some trees and keep it natural out there instead of a lot of noise and then abatements here, abatements there. It is just a mess. And the road is barely constructed the way it is. Thank you.

Thank you. Anyone else?

Hello, my name is Eloise Delaine, and my concern is Kenwood. The street now, where the houses are is called roadkill because every day there is some animal that has been killed on that curve and you are saying that you want to put that many houses coming onto a curve, you are asking for trouble, and we have been living there. The speed limit is 35, but if you go 35, you will be passed. And Kenwood and Longview to turn onto that road, you can't turn onto that road if someone is sitting on Longview. Because of that ditch, there is a ditch. So nowhere did he talk about improving the road on Kenwood or Longview. So, we need improvement on Longview and Kenwood, thank you.

Thank you, is there anyone else who would like to speak against the petitioner? Llewellyn Bryant, thank you. I wanted to say that I do agree with all the opposition as they are my neighbors. What I am hearing here is this, Longview is not going to take that kind of development here. It is just too curvy and when that bridge went out it became really hazardous....it really did. So, not once or twice a year, but 6 times a year someone comes around that curve too fast and gets hurt. I don't think so with an \$800,000 home. That is going to devalue what we have, and we moved out there for a reason not to have development out there. We are not concerned about the people who



need high-end homes. That is not a high-end home to me. That needs to start at about \$1.5 million if they are going to do something they should be \$1.5 million plus. I can see that. That would give them \$1.5, and I do think something needs to be there on that site because it is becoming a landfill, but people see the house as abandoned then they just pull in a dump their trash, but again I don't see that type of development coming out there. I have been out there for 20 years, and I didn't move out there for this. I just don't see \$800,000 houses out there...eh no. So, that is all I have to say. Where do we get the plat and where they are going to build the houses and such?

Debbie Bell, "All of the information in the agenda package, that is published online. Usually about a week to two weeks before the meeting, so all of this information is publicly available."

Danny England, "The plat is not required for rezoning. So, we don't need a plat to rezone the property. Even if that were the case, there is no impetus for the developer to share the plat for public approval. It is provided to us, we approve it. We just approved one right before this case. So, we approve the plat, and we can approve or deny it, but that is not a matter of public input. This is all that is required for rezoning. We look at the possible uses that may go in, we say yes or no, but a plat is not required."

Is there anyone else in opposition?

Hello, my name is Debra Basso and I live on Thornton Drive. I have a couple of questions. One is there any guarantee that this is the size of the house they are going to put on, because if they are asking for 1,600 s.f. why wouldn't they go for more? Second, why aren't we able to see what they are going to put? They are saying what they are going to put but why can't we see it? I have nothing against this gentleman, but it is just his word. I think we are entitled to see something more concrete."

Danny England, "Well, you can return at the time this final plat is submitted to be approved."

Debra Basso, "But then do we vote for that?"

Danny England, "You can voice your opinions, yes."

Debra Basso, "Why wouldn't they approve it for larger homes, now?"

Danny England, "The zoning code only has the minimum square footage. It doesn't put a cap on the maximum. It is considered to be the baseline for the development standard. I can tell you mathematically that someone buying 41-acres and splitting it up for 8 homes from a development standpoint does not make any sense from a development standpoint."

Debra Basso, "Is there certain acreage that they are allowed to have to build this size of homes, like is it 1-acre, 2-acre?"

Danny England, "The land use plan is one house per acre. So now we are looking at this development would be a 5-acre lot. This is a much larger piece of property."

Debra Basso, "So they are not going to put one-acre, one-acre, one-acre."

Danny England, "It is stipulated in the conditions that they can put no more than 8 homes on this piece of property."

"Oh, hold on. That is 8 homes that can front."

Debra Basso, "So that is not how many homes that is how many can front, that is a whole different story then."

Debbie Bell, "May I please clarify?"

Danny England, "I apologize, I read that incorrectly. I read it as 8 homes total."

Mr. Culbreth, "Alright, Debbie has the floor, please."

Debbie Bell, "The request to rezone is for R-40 which permits 1-acre lots. The stipulation about 8 is if homes have direct access to the road, they are limited to 8 new driveways on those roads. If they build an internal road like in a conventional subdivision there is not a limit of 8."

Debra Basso, "So they can put 40 homes there."

Debbie Bell, "Well that wouldn't account for infrastructure. There may be soils, and roads, infrastructure, stormwater. Things that go into creating a development plan that they can do 1-acre lots. So however many 1-acre lots they can fit into their design is what they are going to do."

Debra Basso, "So, they are going to put in a lot more homes. So, now these people are going to have to worry about that. So, now we are not worried about 8 houses we are worried about 20 or 30."

Debbie Bell, "They can develop it as a conventional subdivision."

Mr. Culbreth, "Is there anyone else in opposition?"

Hello, my name is Kimberly Ball and I live in the subdivision next door which is Bethsaida Woods South. I have been in the community for about 25 years and now that I hear that this could be 20 to 30 homes, that is a problem. I am concerned about the devaluation of my home and the traffic flow. I am concerned that there will be a bunch of houses in that one small area, so I do stand in opposition to this.

John Culbreth asks if there is anyone else who wishes to speak in opposition or if not for the petitioner to come for rebuttal, please.

Rick Lindsey says, "Thank you Mr. Chairman. As has been stated, the minimum size for any lot is 1-acre but there is a huge portion of this property that is not developable. Debbie, can I have the slide? There is a large area in the northwest corner of the parcel that is not developable under state law or county ordinances. The projected number of homes is somewhere between 25-27. I know Debbie has in her report, dealing with traffic that it might go up to 29, but I don't believe we are going to get that many homes there because we will have internal streets. There isn't a final site plan because the engineers are still working on this, and we have to get it rezoned first. When there is a site plan, as Mr. England has stated, it comes back to this body and there will be an opportunity for folks to weigh in. Of course, we will have to meet all the requirements of Fayette County but the R-40 that is requested, complies with the land use plan that was adopted by the county. The question of how close the houses will be to Longview. Again, each of the lots will be an acre, at least, if not more. In addition to that, the county is making sure that we have adequate right-of-way along Kenwood and also along Longview to apply with the county ordinances which were probably not in effect at the time those roads were developed. So, there will be some property that will be carved off of this plat that will be dedicated to the county if the county wants to widen the road, but it won't belong to any individual homeowner. The acceleration and deceleration lanes are requirements of the county for any type of subdivision not just this one. I believe there is information in the packet from the people at the county.

People who want to be in our county for the good school system, who are willing to pay the prices of homes here. I appreciate the gentleman who would like to see \$1.5 million homes, but I am here to report that most people can't afford \$800,000 and that

is a very high quality and high-priced home. My client wants to be a good neighbor and for the homes to fit in and not be considered to be a problem. He wants to make sure that the neighborhood stays nice and also to attract new residents who are good quality folks who can afford homes of this price. Again, it complies with the land use plan, and I believe it complies with all the requirements of the county. So, for those reasons, I propose that the planning commission recommend approval for rezoning. Thank you. Mr. Culbreth states, "Thank you, if there are no further questions or comments, we will bring this back to the board. Are there any questions that you would like to have addressed that you have not heard addressed?"

Boris Thomas says, "I have a question. I was looking at the congestion in that area and how it would impact church activities and some of the activities on the street itself. I have been out here like 30 years myself. It is a little more crowded than it used to be. I would like to know if the county is planning to do any widening or any type of improvements to the road to help the ingress and egress with your 26 or so more neighbors."

John Culbreth asked, "Let me address that to staff when we get to that point. Can we require a traffic study when we get to that point?"

Debbie Bell states, "There usually wouldn't be a requirement for a traffic study for a development of this size. Usually, that would be closer to a development with 100 lots there might be a requirement for a traffic study."

Ok, any other questions for the commissioners? If there are no further questions, shall we entertain a motion?

*Jim Oliver made a motion to approve Petition No. 1344-24 with conditions. Danny England seconded the motion. The motion passed 5-0.*

**ADJOURNMENT:**

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 5-0.

The meeting adjourned at 7:42 p.m.

\*\*\*\*\*

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

---

**JOHN CULBRETH, SR.  
CHAIRMAN**

**ATTEST:**

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**CHRISTINA BARKER  
PLANNING COMMISSION SECRETARY**



**PLANNING COMMISSION RECOMMENDATION****DATE:** March 7, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1344-24,  
the application of Stephen Willoughby Homes, LLC to rezone 41.10 acres from A-R to R-40, be:

\_\_\_\_\_ Approved \_\_\_\_\_ Withdrawn \_\_\_\_\_ Denied

\_\_\_\_\_ Tabled until \_\_\_\_\_

*5-0* ☒ Approved with Conditions \_\_\_\_\_

**RECOMMENDED CONDITIONS**

1. Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Kenwood Road. The corner at the intersection of Kenwood Road and Longview Road shall be chamfered 20 feet along tangent legs.
2. Longview Road is a collector on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 40 feet of right-of-way as measured from the existing centerline of Longview Road.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.
4. The development shall have no more than eight (8) homes with direct road frontage onto Kenwood Road and Longview Road.
5. Any new road constructed to access lots shall be built with a deceleration lane and acceleration taper per the Fayette County Entrance and Striping Detail.
6. Development shall provide a 30-foot access easement from interior street to the right-of-way on Kenwood Road.

This is forwarded to you for final action.

  
JOHN H. CULBRETH, SR., CHAIRMAN

  
JOHN J. KRUZAN, VICE CHAIRMAN

  
DANNY ENGLAND

  
JIM OLIVER

  
BORIS THOMAS

**Remarks:**

\_\_\_\_\_

**STATE OF GEORGIA  
COUNTY OF FAYETTE**



## **RESOLUTION**

### **NO. 1344-24**

**WHEREAS**, Stephen Willoughby Homes, LLC, having come before the Fayette County Planning Commission on March 7, 2024, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Applicant proposes to rezone 41.10 acres from A-R (Agricultural-Residential) to R-40 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; and

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

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

#### **RECOMMENDED CONDITIONS**


1. Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Kenwood Road. The corner at the intersection of Kenwood Road and Longview Road shall be chamfered 20 feet along tangent legs.
2. Longview Road is a collector on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 40 feet of right-of-way as measured from the existing centerline of Longview Road.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.
4. The development shall have no more than eight (8) homes with direct road frontage onto Kenwood Road and Longview Road.
5. Any new road constructed to access lots shall be built with a deceleration lane and acceleration taper per the Fayette County Entrance and Striping Detail.
6. Development shall provide a 30-foot access easement from interior street to the right-of-way on Kenwood Road.

This decision is based on the following reasons:

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

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

  
\_\_\_\_\_  
**DEBORAH BELL  
PLANNING & ZONING DIRECTOR**

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

PETITION No (s): 1344-24  
 STAFF USE ONLY

**APPLICANT INFORMATION**

Name Stephen Willoughby Homes, LLC

Address 3602 Highlands Pkwy, Bldg 1

City Smyrna

State Georgia Zip 30082

Email lsfwilloughby@gmail.com

Phone (404) 729-1529 & (404) 729-1587

**PROPERTY OWNER INFORMATION**

Name STEPHEN WILLOUGHBY HOMES, LLC

Address 3602 Highlands Pkwy, Bldg 1

City Smyrna

State Georgia Zip 30082

Email lsfwilloughby@gmail.com

Phone (404) 729-1529 & (404) 729-1587

**AGENT(S) (if applicable)**

Name Richard P. Lindsey

Address 200 Westpark Dr. Ste 280

City Peachtree City

State GA Zip 30269

Email rick@lptc.com

Phone (770) 486-8445

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: Deborah M. Smith Date: 1/8/2024

DATE OF PLANNING COMMISSION HEARING: \_\_\_\_\_

DATE OF COUNTY COMMISSIONERS HEARING: \_\_\_\_\_

Received from Lindsey Lacy, PC a check in the amount of \$ 450.00 for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: 1/8/2024

Receipt Number: 19964

PETITION No.: 1344-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

**PROPERTY INFORMATION** (please provide information for each parcel)

Parcel# (Tax ID): 0550 061 Acreage: 41.10  
 Land District(s): 5<sup>th</sup> \_\_\_\_\_ Land Lot(s): 230  
 Road Name/Frontage L.F.: Kenwood Rd./Longview Rd. Road Classification: Kenwood – Arterial;  
Longview - Collector Existing Use: Residential Proposed Use: Residential  
 Structure(s): One Type: Residential Size in SF: 4362  
 Existing Zoning: AR Proposed Zoning: R-40  
 Existing Land Use: Low Density Residential Proposed Land Use: Low Density Residential  
 Water Availability: Yes Distance to Water Line: 80' Distance to Hydrant: 80'

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:  
 STEPHEN WILLOUGHBY HOMES, LLC

(Please Print)

**Property Tax Identification Number(s) of Subject Property: 0550 061** \_\_\_\_\_

(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) 230 of the 5<sup>TH</sup> District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 41.10 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I} (We) hereby delegate authority to Richard P. Lindsey and the law firm of Lindsey & Lacy, PC 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.

Richard P. Lindsey  
 Signature of Property Owner 1  
 3602 Highlands Pkwy, Bldg 1, Smyrna, GA 30082  
 Address

Valerie P. Shellnutt  
 Signature of Notary Public  
1/5/2024  
 Date



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

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

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

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

Richard P. Lindsey  
 Signature of Authorized Agent  
 Address 200 Westpark Dr, Ste 280, PTC

Valerie P. Shellnutt  
 Signature of Notary Public  
1/5/2024  
 Date



PETITION No.: 1344-24**OWNER'S AFFIDAVIT***(Please complete an affidavit for each parcel being rezoned)*

NAME: Stephen Willoughby Homes, LLC \_\_\_\_\_

ADDRESS: 3602 Highlands Pkwy, Bldg 1, Smyrna, GA 30082 \_\_\_\_\_

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

Fatimah Willoughby affirms that she is an owner or the specifically authorized agent of the property described below. Said property is located in a(n) A/R Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to **R-40**

This property includes: (check one of the following)

☒ [X] 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 7<sup>th</sup> day of March, 2 0 2 4 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 28th day of March, 2024 \_\_\_\_\_ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5<sup>th</sup> DAY OF January 2024

*Fatimah Willoughby*  
 \_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

*Valerie P. Shellnutt*  
1/5/2024





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

I/We, Stephen Willoughby Homes, LLC said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Kenwood Road and Longview 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 5<sup>th</sup> day of January, 2024.

*Stephen Willoughby*  
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

*Valerie P. Shell*  
1/5/2024



### DEVELOPMENTS OF REGIONAL IMPACT (ORI)

#### 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.
8. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- [ X ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- [ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 5<sup>th</sup> day of January, 2024

Zachary R. Daugherty  
APPLICANT'S SIGNATURE



**DISCLOSURE STATEMENT**

(Please check one)

**Campaign contributions:**~~No~~

\_\_\_ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

## CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

### **Letter of Intent**

The owner of the subject property seeks to rezone the property located at the southwestern corner of the Kenwood Road and Longview Road intersection to develop a small subdivision of single-family detached homes. This 41.10-acre tract of land is currently zoned AR. The Future Land Use Plan calls for the property to be low-density residential of one unit per acre. Following the Future Land Use Plan, the owner seeks to have the property rezoned to R-40, which requires a minimum lot size of one acre, to permit the development of well-appointed luxury homes with a projected selling price of \$ 800,000 and up.

The property is located in the northern part of the county. The area is residential and was developed in the 1970s and 1980s. The property to the west is zoned R-40. The property to the east and south is zoned AR. The property located to the north and across Kenwood Road is a Baptist church. There is currently one large house located on the property that was built in 1982. That house will remain on the property and will be a part of the new subdivision. The new proposed lots will all meet or exceed the required lot size of one-unit per acre.

The proposed development will provide newly constructed homes in an area that has not seen any meaningful residential development in forty or more years. The new residents who will purchase and occupy these homes will generate additional economic activity in the northern part of the county and Fayetteville by patronizing local shops and restaurants. The development adheres to the ordinances and laws designed to protect the environmentally sensitive areas that encompass a watershed and creek found in the northwestern portion of the property.

The owner wishes to have a positive impact on the local area and county by developing a quality small subdivision in an area that has not seen development or redevelopment in almost half a century. The subdivision will attract new residents to the northern part of the county who are interested in purchasing newly constructed homes. The proposed development meets the goals of the Future Land Use Plan and those found in the Comprehensive Plan.



Doc ID: 011877120002 Type: WD  
 Recorded: 09/22/2023 at 09:05:00 AM  
 Fee Amt: \$935.00 Page 1 of 2  
 Transfer Tax: \$910.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court

BK 5656 PG 719-720

After Recording Return To:  
 SLEPIAN & SCHWARTZ, LLC  
 Eric A. Slepian  
 42 Eastbrook Bend  
 Peachtree City, GA 30289  
 (770)486-1220

TAX PARCEL ID: 0650 061

Order No.: 23-1151-JOY

# **LIMITED WARRANTY DEED**

## **STATE OF GEORGIA**

## **COUNTY OF FAYETTE**

THIS INDENTURE, made this 20th day of September, 2023, between **TASZ PROPERTIES, LLC**, as party or parties of the first part, hereinafter called Grantor, and **STEPHEN WILLOUGHBY HOMES, LLC**, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) 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.

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 230 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT LOCATED AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD; RUNNING THENCE SOUTHWESTERLY, SOUTHERLY, SOUTHWESTERLY, AND SOUTHEASTERLY ALONG THE NORTHWESTERLY, WESTERLY, NORTHWESTERLY AND SOUTHWESTERLY RIGHT-OF-WAY OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD, AND FOLLOWING THE CURVATURE THEREOF, 1,900.55 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS WEST, 732.89 FEET TO AN IRON PIN; RUNNING THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS WEST, 761.88 FEET TO AN IRON PIN; RUNNING THENCE NORTH 00 DEGREES 21 MINUTES 30 SECONDS WEST 814.34 FEET TO AN IRON PIN; RUNNING THENCE NORTH 00 DEGREES 31 MINUTES 26 SECONDS WEST, 709.35 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD; RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD AND FOLLOWING THE CURVATURE THEREOF, 1,062.84 FEET TO A POINT LOCATED ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD AND THE POINT OF BEGINNING; SAID TRACT CONTAINING 41.10 ACRES, ALL AS SHOWN ON PLAT OF SURVEY FOR DR. FORD, DATED MAY 20, 1982 AS PREPARED BY C. E. LEE REGISTERED LAND SURVEYOR.**

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.



TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and 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 owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has executed this instrument by and through its duly authorized Member(s) and/or Manager(s) with the Corporate Seal affixed thereto on this 19th day of September, 2023.

Signed, sealed and delivered in the presence of:

[Signature]  
 Unofficial Witness  
[Signature]  
 Notary Public  
 My Commission Expires: 11/7/2023

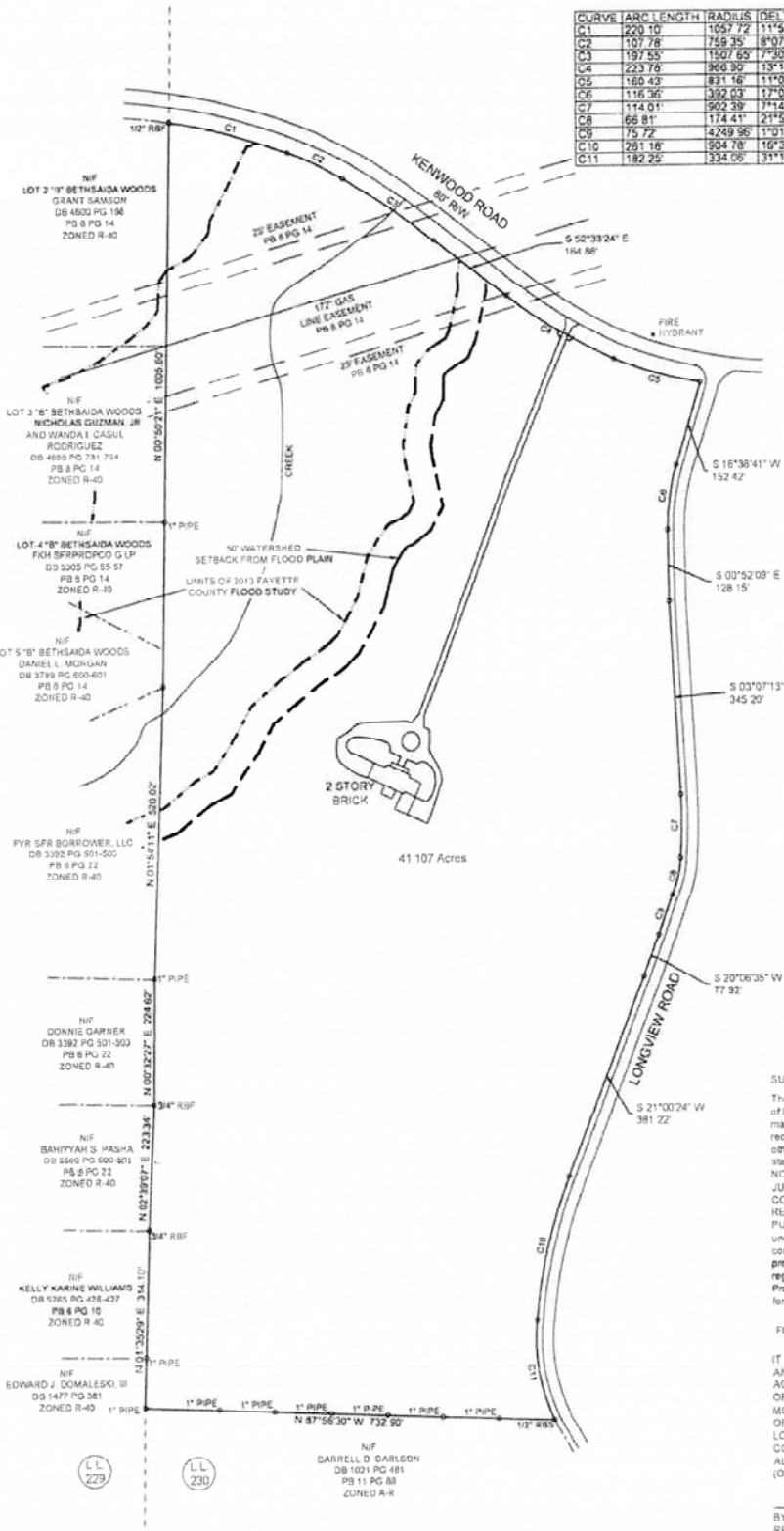
TASZ PROPERTIES, LLC

BY: [Signature] (SEAL)  
 LELAND WAYNE  
 MANAGER



THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT

LEGEND  
RFB=REBAR FOUND  
RHS=REBAR SET  
CTP=CRIMP TOP PIPE  
LL=LAND LOT  
LL=LAND LOT LINE  
H=PROPERTY LINE  
CO=CONSTRUCTION ENTRANCE  
EPH=EDGE OF PAVEMENT  
POB=POINT OF BEGINNING  
BL=BUILDING SETBACK LINE  
DF=DRAINAGE FASHPMENT  
NFW=NOW OR FORMERLY  
FWP=D FIELD WORK  
PERFORMED DATE  
QUT=OUT OF FLOOD PLAIN  
DB=DEED BOOK  
PG=PAGE  
PB=PLAT BOOK  
(R#)=HOUSE NUMBER



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	220.10	1057.72	11°55'21"	S 75°25'04" E	219.70
C2	107.78	759.35	8°07'56"	S 64°50'21" E	107.69
C3	197.55	1507.65	7°30'27"	S 55°51'32" E	197.41
C4	223.78	366.90	13°15'39"	S 59°30'14" E	223.72
C5	180.43	831.16	11°03'33"	S 74°05'25" E	180.18
C6	118.26	332.03	17°00'22"	S 08°08'30" W	115.93
C7	114.61	902.39	7°14'19"	S 09°37'22" W	113.93
C8	66.81	174.41	21°56'55"	S 13°17'18" W	66.40
C9	75.72	4249.96	1°01'15"	S 18°52'11" W	75.72
C10	281.16	304.78	16°32'22"	S 12°51'56" W	280.78
C11	182.25	334.08	31°15'31"	S 09°37'31" E	180.00

CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 60" 00' 00" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 453 TCR TOTAL STATION.

FLOOD STATEMENT  
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13110C0208E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

#### SURVEYORS CERTIFICATION

This plat is a restatement of an existing plat and does not create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. REGISTRATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

#### FINAL SURVEYOR'S CERTIFICATE

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

*Stephen Wiloughby*  
BY: SWINSON A. GASKINS, Sr. GEORGIA  
REGISTERED LAND SURVEYOR NO 1620  
DATE 12/07/23

Job No. SA23-110A

Drawn by: R.D.G.  
Reviewed by: R.M.B.  
Issue Date: 12/07/23  
F.W.P.D.: 11/22/23  
Revisions: 12/08/23



Prepared For:

STEPHEN WILLOUGHBY HOMES, LLC

434 Kenwood Road  
Fayetteville, Ga 30214

Land Lot 230 of The S/R Land District  
Fayette County Georgia

S.A. GASKINS &  
ASSOCIATES, LLC

surveyors/planners/development consultants  
981 CAMPGROUND ROAD GRIFFIN, GA 30223  
678-571-3051  
rtgaskins75@gmail.com

**B4 Fayette County News****Wednesday, February 21, 2024**

tact Chelsea Siemen at 770-719-4290 or csiemen@fayetteville-ga.gov.  
02/21

**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, March 7, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, March 28, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1344-24  
Owner/Agent: Stephen Willoughby Homes, LLC/  
Richard P. Lindsey, Attorney  
Existing Zoning District:

A-R

Proposed Zoning District:

R-40

Parcel Number: 0550061

Area of Property: 41.10 acres

Proposed Use: R-70

Land Lot(s)/District: Land lot 230 of the 5th District

Fronts on: 434 Kenwood Road/Longview Road

**PROPERTY DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 230 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD; RUNNING THENCE SOUTHWESTERLY, SOUTHERLY, SOUTHWESTERLY, AND SOUTHEASTERLY ALONG THE NORTHWESTERLY, WESTERLY, NORTHWESTERLY AND SOUTHWESTERLY RIGHT-OF-WAY OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD, AND FOLLOWING THE CURVATURE THEREOF, 1,900.55 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS WEST, 732.89 FEET TO AN IRON PIN; RUNNING THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS WEST, 761.88 FEET TO AN IRON PIN; RUNNING THENCE NORTH 00 DEGREES 21 MINUTES 30 SECONDS WEST 814.34 FEET TO AN IRON PIN; RUNNING THENCE NORTH 00

709.35 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD; RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD AND FOLLOWING THE CURVATURE THEREOF, 1,062.84 FEET TO A POINT LOCATED ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD AND THE POINT OF BEGINNING; SAID TRACT CONTAINING 41.10 ACRES, ALL AS SHOWN ON PLAT OF SURVEY FOR DR. FORD, DATED MAY 20, 1982 AS PREPARED BY C. E. LEE REGISTERED LAND SURVEYOR. SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.  
02/21

# COUNTY AGENDA REQUEST

Page 170 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval to add Paislee Park subdivision to Fayette County's Street Light Program.

## Background/History/Details:

The property owners in the subdivision known as Paislee Park are petitioning the Board of Commissioners to add Paislee Park subdivision into the Fayette County Street Light Program.

The Board of Commissioners created Fayette County Street Light Districts in September 1983. The street light ordinance was amended in November 2014 to require a \$100 application fee and prepayment of two (2) years worth of street light bills to cover expenses incurred by Fayette County until the charges could be recouped with the tax bills. Paislee Park has paid Fayette County the required amounts and presented a petition representing 100% approval in Paislee Park.

The estimated monthly charge is \$134.75. Paislee Park has paid the \$100 application fee and the first two (2) years prepayment for street lights (24 months \* \$134.75 = \$3,234). The anticipated street light assessment for the thirty-six (36) parcels in the Paislee Park street light district on the 2025 Property Tax Bill is \$54 per parcel. The County can expect reimbursement of \$54/parcel \* 36 parcels = \$1,944/annually.

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

Approval to add Paislee Park subdivision to Fayette County's Street Light Program.

## If this item requires funding, please describe:

These additional lights will cost \$134.75 per month per Coweta-Fayette EMC. Paislee Park has prepaid the amounts required to become a street light district \$3,234 until the cost may be added onto the property tax bill and the county reimbursed.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



# FAYETTE COUNTY PETITION FOR STREET LIGHTING

WE, THE UNDERSIGNED, ALL BEING PROPERTY OWNERS OF THE STREET LIGHT DISTRICT Paislee Park, DO HEREBY PETITION THE FAYETTE COUNTY BOARD OF COMMISSIONERS FOR THE PLACEMENT OF STREET LIGHTS THROUGH OUR SUBDIVISION OR STREET(S).

EACH OF US DOES HEREBY PLEDGE AND CONSENT TO THE LEVYING OF A LIEN BY FAYETTE COUNTY AGAINST PROPERTY WE OWN FOR THE PURPOSE OF PAYMENT OF THE COST OF AND OPERATING THE STREET LIGHTS. THERE ARE 36 NUMBER OF LOTS CURRENTLY EXISTING IN STREET LIGHT DISTRICT Paislee Park, AND EACH OWNER AS SHOWN ON THE TAX RECORDS HAS AFFIRMATIVELY SIGNED THIS PETITION OR INDICATION FOR DISAPPROVAL IS NOTED HEREIN.

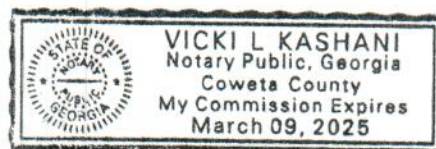
THIS PETITION REPRESENTS 1 AFFIRMATIVE VOTES, OR 100 % OF THIS DISTRICT TO BE EFFECTED IN THIS REQUEST. YOUR SIGNATURE ON THIS PETITION INDICATED THAT YOU HAVE READ AND FULLY UNDERSTAND THE REQUIREMENTS FOR APPROVAL OF A STREET LIGHT DISTRICT.

PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED AFFIANT, WHO SAYS ON OATH THAT HE, SHE IS ONE OF THE SUBSCRIBING WITNESSES TO THE WITHIN INSTRUMENT; THAT EACH OF SAID WITNESSES SAY THE EXECUTION AND DELIVERY OF THE SAME BY EACH GRANTOR THEREIN FOR THE PURPOSE SET FORTH; AND THAT EACH OF SAID WITNESSES SIGNED THE SAME AS PURPORTED.

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 9 DAY OF November, 20    .

Red Wright  
(SUBSCRIBING WITNESS)



Vicki L. Kashani  
NOTARY PUBLIC

FAYETTE COUNTY, STATE OF GEORGIA

# COUNTY AGENDA REQUEST

Page 172 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval to accept a supplemental grant award for the DUI Accountability Court in the amount of \$51,546 for Treatment and Drug Testing

## Background/History/Details:

This grant is an emergency grant award that will allow the program to close the fiscal year successfully. Fayette County Accountability Courts requested emergency funding for the DUI/Drug Court Program and Veterans Treatment Court. Upon completion of Q1, the budget for the program needed revision due to the projection of depleting funds for treatment and drug testing. With this knowledge, the program immediately revised treatment and the way in which drug testing was issued. Treatment is in the process of switching treatment providers to allow a more affordable method of equitable treatment. We are still using Fayette Accountability Counseling for individual sessions, but we plan on changing it for FY25. However, we have switched to contract counselors for groups, and any new participants coming into the program will also be assigned to contract counselors for individual sessions. We lowered the cost of groups and individual sessions; however, we still need additional funding to continue operating.

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

Approval to accept a supplemental grant award for the DUI Accountability Court in the amount of \$51,546 for Treatment and Drug Testing

## If this item requires funding, please describe:

No funding necessary. This is a grant in the amount of \$51,546 which does not require matching funds.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE COORDINATING COUNCIL  
EMERGENCY SUBGRANT AWARD  
ACCOUNTABILITY COURT GRANT

**SUBGRANTEE:**


Fayette County Board of Commissioners

**SUPPLEMENTAL STATE FUNDS:** \$51,456**IMPLEMENTING AGENCY:** Fayette County**PROJECT NAME:** Emergency Award SUBGRANT**NUMBER:** A24-8-010**GRANT PERIOD:** 04/01/24-06/30/24

This award is made under the Accountability Courts State of Georgia Grant program. The purpose of the Accountability Court Grants program is to make grants to local courts and judicial circuits to establish specialty courts or dockets to address offenders arrested for drug charges or mental health issues. This grant program is subject to the administrative rules established by the Criminal Justice Coordinating Council.

This Subgrant shall become effective on the beginning date of the grant period, provided that a properly executed original of this "Subgrant Award" is returned to the Criminal Justice Coordinating Council by March 29, 2024.

**AGENCY APPROVAL****SUBGRANTEE APPROVAL**

  
\_\_\_\_\_  
Jay Neal, Director  
Criminal Justice Coordinating Council

\_\_\_\_\_  
Signature of Authorized Official

Date Executed: 04/01/24

\_\_\_\_\_  
Typed Name & Title of Authorized Official

\_\_\_\_\_  
Employer Tax Identification Number(EIN)

**BOARD OF COUNTY COMMISSIONERS**

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

**FAYETTE COUNTY, GEORGIA**

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**MINUTES**

March 14, 2024  
5:00 p.m.

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

**OFFICIAL SESSION:****Call to Order**

Chairman Lee Hearn called the March 14, 2024 Board of Commissioners meeting to order at 5:01 p.m. All members of the Board were present.

**Invocation and Pledge of Allegiance by Commissioner Charles D. Rousseau**

Commissioner Charles D. Rousseau offered the invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

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

Laura Line, of Fayetteville, expressed her concern regarding the lack of accessibility via handicap ramp at the library, specifically for access to the community room where voting was held. She stated that this was a major concern that needed to be addressed.

**CONSENT AGENDA:**

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

1. **Approval of the Georgia County Internship Program Grant Agreement from Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. to the Fayette County Assessor's Office for award of the General Georgia County Internship Program (GCIP) Grant in the amount of \$1,759.50 for one intern.**
2. **Approval of the Georgia County Internship Program Grant Agreement from Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. to the Fayette County State Court for award of the General Georgia County Internship Program (GCIP) Grant in the amount of \$3,259.50 for one intern.**



3. **Approval of the Georgia County Internship Program Grant Agreement from Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. to the Public Defender's Office for award of the General Georgia County Internship Program (GCIP) Grant in the amount of \$3,259.50 for one intern.**
4. **Approval to appoint Emergency Management Director Brian Davis as the voting delegate to the Association of County Commissioners of Georgia (ACCG) for consideration of three statewide Georgia Opioid Settlement Advisory Commission Members (GOSAC) and Regional Advisory Council Members (RAC).**
5. **Approval to acquire all fee simple right-of-way and easements for the proposed roundabout of Veterans Parkway and Eastin Road (2004 SPLOST R-5i).**
6. **Approval to acquire all fee simple right-of-way and easements for the 2017 SPLOST Stormwater Category II, Tier II Project: 130 Darren Drive Culvert Replacement (19SBJ).**
7. **Approval to award Contract 2371-S, EagleView Aerial Pictometry, to Pictometry International Corporation dba EagleView for a total contract amount of \$155,711.70; and to transfer \$40,000 from Project 241AC, and \$16,000 from General Fund Project Contingency to Project 231AG; Flight Over Fayette County, to fund the balance of the six-year contract.**
8. **Approval of the February 22, 2024 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

9. **Request to approve Change Order 1 of Contract 2337-P, MEJA, to set the Guaranteed Maximum Price (GMP) of \$5,671,105 for the construction of the Fire Training Classroom Building & Training Tower.**

Project Manager Tim Symonds stated that this request was seeking Board approval for Change Order 1 of Contract 2337-P, MEJA, to set the Guaranteed Maximum Price (GMP) of \$5,671,105 for the construction of the Fire Training Classroom Building and Training Tower. He stated that since being appointed, MEJA had reviewed the design and developed a Guaranteed Maximum Price (GMP) through pricing received from their sub-contractors. Mr. Symonds noted that the GMP did fall within the available funds budgeted for the work. He added that one reason they needed to have this approved quickly was because the lead time on securing materials for the training tower was significant and MEJA needed to submit the order and finalize a place in the queue. Mr. Symonds also stated that although the building budget came in slightly under the original forecast, the tower (steel) cost had increased.

Commissioner Rousseau asked what the cost increases were.

Mr. Symonds stated that costs related to the training tower increased by about 5% and current building prices were still rising in line with inflation.

Vice Chairman Gibbons moved to approve Change Order 1 of Contract 2337-P, MEJA, to set the Guaranteed Maximum Price (GMP) of \$5,671,105 for the construction of the Fire Training Classroom Building & Training Tower. Commissioner Oddo seconded. The motion passed 5-0.

10. **Request from the Georgia Department of Transportation (GDOT) for execution of a Memorandum of Agreement (MOA) for GDOT to replace the McDonough Road Bridge over the Flint River (GDOT PI 0016579); and creation of 2004 SPLOST Project R-10 (McDonough Road Bridge Replacement) with a budget of \$50,000, to fund right-of-way acquisition.**

Fayette County Public Works Director Phil Mallon stated that this request involved the replacement project of the McDonough Road Bridge over the Flint River. He advised that the request was asking for two things: 1.) creation of 2004 SPLOST Project R-10 (McDonough Road Bridge Replacement) with a budget of \$50,000, to fund right-of-way acquisition. 2.) execution of a Memorandum of Agreement (MOA) for Georgia Department of Transportation (GDOT) to replace the McDonough Road Bridge over the Flint River (GDOT PI 0016579). Mr. Mallon stated that GDOT would be performing all aspects of the project to include design, right-of-way acquisition; construction; and construction management. He stated that the estimated cost of this project would be about \$6M, with a county contribution of \$50k to partially cover some of the right-of-way acquisition. Mr. Mallon stated that if approved, he was in the process of seeking a 50/50 split with Clayton County. If successful, it would be brought back before the Board for approval.

Vice Chairman Gibbons moved to approve the creation of 2004 SPLOST Project R-10 (McDonough Road Bridge Replacement) with a budget of \$50,000, to fund right-of-way acquisition. Commissioner Oddo seconded.

Commissioner Rousseau stated that from his recollection the county had reached out to Clayton County some years ago about participating in this project.

Mr. Mallon stated that staff reached out to Clayton County in the past regarding partnership involving a larger McDonough Road project, not necessarily about the McDonough Road Bridge project, other than to advise them that it was in the works. He added that these conversations were had on a staff level, but the final agreement would need to be signed by the elected officials.

Commissioner Rousseau asked if there was a proposed timeline for the project.

Mr. Mallon stated that the design was currently underway and was scheduled to be let for construction, February 2026.

Chairman Hearn stated that currently the bridge was in lousy shape and there were load limits on the bridge.

Mr. Mallon stated that was correct. Fayette along with Clayton County contributed funding to raise the load limits to allow school buses safe passage, but there were still some weight limitations in place.

Vice Chairman Gibbons moved to approve the creation of 2004 SPLOST Project R-10 (McDonough Road Bridge Replacement) with a budget of \$50,000, to fund right-of-way acquisition. Commissioner Oddo seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to approve execution of a Memorandum of Agreement (MOA) for GDOT to replace the McDonough Road Bridge over the Flint River (GDOT PI 0016579). Commissioner Oddo seconded. The motion passed 5-0.

#### **11. Request to approve including time for holiday pay in the calculation for overtime pay.**

Human Resource Director Lewis Paterson stated that this request was seeking Board consideration and approval to include hours in the calculation of overtime for non-exempt employees. He stated that overtime pay was currently based on hours actually worked when they exceed the Fair Labor Standards Act (FLSA) threshold. For the majority of employees, the threshold was 40 hours in a work week, so any hours worked over 40 are paid at time-and-a-half. Situations can occur where employees may be required to work hours that are longer than their normal workday during a week with County observed holidays. In these instances, because holiday time is not factored into the calculation for overtime, the employee does not receive overtime pay at the premium time-and-a-half rate. Mr. Patterson stated that staff felt that although it was in keeping with FLSA standards, the employee was not being compensated for their extra work fairly. Holidays are established and approved by the Board of Commissioners. Staff felt that a change was warranted to include holiday hours in the calculation for overtime pay.

Vice Chairman Gibbons moved to approve request to approve including time for holiday pay in the calculation for overtime pay. Commissioner Oddo seconded. The motion passed 5-0.

### **ADMINISTRATOR'S REPORTS:**

#### **Library Handicap Accessibility**

In response to public comment, regarding accessibility to the community room at the library, Mr. Rapson stated that staff would be evaluating a curb cut and perhaps putting a handicap access point there; however, there were several factors that needed to be reviewed. He noted that there was a way to get inside that room safely via the main building entrance. He had advised staff to develop signage to help direct residents on how to gain access to the room.

#### **Soccer Federation Meeting**

Mr. Rapson advised that there had been a Soccer Federation community event, that was well attended. He thanked all who attended as well as the Board for their support of the event.

#### **Hot Projects**

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Parks and Recreation multi-use facility, Redwine Road multi-use path, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Coastline Bridge improvements, the Animal Shelter facility, and Water System updates.

Mr. Rapson congratulated Sheryl Weinman and Lee Ann Barlett for their efforts in reworking the Capital Improvement Plans Handbook with the Association of County Commissioners of Georgia (ACCG), used by Georgia elected officials. Mr. Rapson also advised that the County's overall ISO rating improved to a 22Y, which was a huge deal and commended his team for a job well done.

### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were three items for Executive Session. One item involving real estate acquisition, one item involving threatened litigation and the review of the February 22, 2024 Executive Session Minutes.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Rousseau**

Commissioner Rousseau stated that his first thoughts regarding a handicap ramp was concerns regarding stormwater.

He also asked where plans were for a sidewalk for the overflow parking at the new Elections Office.

Commissioner Rousseau expressed his appreciation to the US Soccer Federation for hosting the recent community event as an in-coming neighbor. Although there were still some serious concerns that needed to be addressed, this was a great effort for a budding partnership.

#### **Vice Chairman Gibbons**

Vice Chairman Gibbons extended kudos to the Fayette County Public Works and Animal Control Office. He stated that he got great joy out of commending staff and appreciated when other see the hard work that the county does as well, he appreciated these two departments for a job well done.

#### **Commissioner Oddo**

Commissioner Oddo expressed his condolences to the McCarty family, with the recent passing of former commissioner Allen McCarty.

**Chairman Hearn**

Chairman Hearn stated that he recently attended the Atlanta Regional Commission (ARC) meeting. He provided a brief overview of the ARC meeting noting that they were in the midst of a TIP amendment, which was an amendment to their short-term work program. He excitedly announced that this program would bring federal funding to transportation project that affect Fayette County, specifically the I-85 State Route 74 interchange project. Chairman Hearn also provided forecasted population growth for Fayette County into 2050 of about 124,500 people. He stated that this was important information to know because these numbers affected our water demands, schools, transportation, and court/criminal justice system.

**EXECUTIVE SESSION:**

**One item involving real estate acquisition, one item involving threatened litigation and the review of the February 22, 2024 Executive Session Minutes.** Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:31 p.m. and returned to Official Session at 6:13 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 5-0.

**Approval of the February 22, 2024 Executive Session Minutes:** Commissioner Oddo moved to approve February 22, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the March 14, 2024 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The March 14, 2024 Board of Commissioners meeting adjourned at 6:14 p.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Edwards Gibbons, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28<sup>th</sup> day of March 2024. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk



# COUNTY AGENDA REQUEST

Page 179 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of a request from Rod Wright, developer of Paislee Park, seeking authorization for the use of motorized cart travel on all streets within the subdivision in accordance with Fayette County Code; Chapter 26-Traffic and Vehicles; Article III.-Motorized Carts.

## Background/History/Details:

Board of Commissioner approval is required to designate streets for motorized cart travel, per Article III Motorized Carts of the Fayette County Code. These are internal subdivision streets that are not subject to the same evaluation as external streets that exist outside subdivisions. Between 1995 and 2024, twenty-five (25) subdivisions have been approved for motorized cart use on internal streets. The streets in Paislee Park include Paislee Park Drive and Wright Trace. Both streets have a posted speed limit of 25 MPH.

If approved, staff will update the list of streets authorized for motorized cart use and forward a copy to Brian Eubanks in the Sheriff's Department for enforcement and Phil Mallon in the Public Works Department for the posting of proper signage.

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

Approval of the use of motorized cart travel on all streets within the Paislee Park subdivision in accordance with Fayette County Code; Chapter 26-Traffic and Vehicles; Article III.-Motorized Carts.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

**REQUEST FOR AUTHORIZATION FOR MOTORIZED CARTS**

(Please type or print)

Date: 11-9-2023Subdivision Name: PAISLEE PARK

Street Name(s):

1. PAISLEE PARK DRIVE2. WRIGHT TRACE

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_


8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

Contact Person: Rod WrightSignature: Title: MANAGING MEMBER

(Developer of Subdivision (S/D) or President of Homeowners Association (HOA) or Signatures of 51% of property owners in S/D with no HOA)

Address: P.O. Box 629City, State, and Zip Code: Fayetteville, GA 30214Telephone Number: 770-294-7990E-mail Address: thesubdividers@gmail.com

PROPERTY OWNERS

COUNT	PROPERTY OWNER	ADDRESS	SUBDIVISION NAME	LOT NUMBER
1	Wright Chapter 1440 LLC		Paislee Park	1-36
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				

# COUNTY AGENDA REQUEST

Page 182 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of a request from United States Soccer Federation National Training and Headquarters to connect to the City of Fayetteville's sewer system.

## Background/History/Details:

The Board of Commissioners approved Fayette County Development Authority's petition to rezone 321.34 acres from R-70 to A-R to allow construction of the US Soccer Federation National Training and Headquarters at the January 11, 2024 Meeting. The proposed building is estimated to be 350,000 square feet. Without the necessary sanitary sewer capabilities, the proposed development would not be viable at this location.

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

Approval of a request from United States Soccer Federation National Training and Headquarters to connect to the City of Fayetteville's sewer system.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**MAYOR**  
Edward J. Johnson, Jr.  
**CITY MANAGER**  
Ray Gibson  
**INTERIM CITY CLERK**  
Chelsea Siemen



**FAYETTEVILLE**  
NO LIMITS ON IMAGINATION

Page 183 of 210  
**COUNCIL**  
Richard J. Hoffman,  
Mayor Pro Tem  
Joe Clark  
Niyah Glover  
Darryl Langford  
Scott Stacy

3-5-2024

Re: Sewer Availability to Parcel 0707011

The property located in Land Lots 13, 14, and 19 in the 7<sup>th</sup> District of Fayette County, in the unincorporated Fayette County, located at parcel 0707011 as shown in the Fayette County Tax database, will be furnished with enough capacity for sewer to provide for the needs required as requested for the proposed development. The sewer availability is granted pursuant to the Draft Memorandum of Understanding between the Fayette County Development Authority and the USA Soccer Federation.

The sewer infrastructure necessary to provide sewer service to the proposed development will be constructed as an onsite sanitary sewer lift station at the soccer facility and pumped approximately 2 miles south of the proposed development to the existing sanitary sewer infrastructure on Veterans Parkway. Without the necessary sanitary sewer capabilities, the proposed development would not be viable at the location, and is why the City is granting access to the sanitary sewer system due to the economic impact of the development within the community.

If you have any questions feel free to call me at (770) 460-4664.

Thank you,

*Chris Hindman*

Chris Hindman  
Director of Public Services

# COUNTY AGENDA REQUEST

Page 184 of 210

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to award Bid #2357-B: 2017 SPLOST; Stormwater Category II, Tier II, 19SBM Ridge Way Culvert Replacement to the lowest responsive, responsible bidder, Piedmont Paving, Inc., in the amount of \$300,958.14 and to transfer \$141,286.00 from 17SAS - CAT IV.

## Background/History/Details:

On March 21, 2017, the citizens of Fayette County voted to enact a Special Purpose Local Option Sales Tax (SPLOST) to replace failing infrastructure throughout the unincorporated area of Fayette County. Ridge Way Culvert Replacement is listed as a SPLOST Category II, Tier II project.

This project consists of the removal of the existing deteriorated 36-inch and 42-inch corrugated metal pipes (CMPs) beneath Ridge Way and extending outside of the existing right-of-way. The failing system will be replaced with 42-inch reinforced concrete pipe (RCP) under the road and 36-inch and 42-inch High Density Polyethylene pipe (HDPE) beyond the back of curb.

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

Approval of staff's recommendation to award Bid #2357-B: 2017 SPLOST; Stormwater Category II, Tier II, 19SBM Ridge Way Culvert Replacement to the lowest responsive, responsible bidder, Piedmont Paving, Inc. in the amount of \$300,958.14 and to transfer \$141,286.00 from 17SAS - CAT IV.

## If this item requires funding, please describe:

Available funding in 2017 SPLOST; Stormwater Category II, Tier II; 19SBM Ridge Way Culvert Replacement is \$159,672.57. The additional funding of \$141,286.00 is available in 17SAS - CAT IV.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan

Date: March 28, 2024

**Subject: Contract 2357-B: Ridge Way Culvert Replacement**

The Purchasing Department issued Invitation to Bid 2357-B to secure a contractor to install grading structures and provide grading and paving on Ridge Way. Notice of the opportunity was emailed to 67 companies. Another 934 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code 21028 (Culverts, Concrete) and 91339 (Construction, Pipe Culvert). The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette County News, Channel 23, and the County website.

Ten responsive companies submitted bids (Attachment 1). An eleventh company submitted a bid but was disqualified due to their previous work performance under Contract 1516-B, Broom Blvd. Culvert Replacement and references provided with their bid.

The available project funding is \$159,672.57. Environmental Management is requesting a budget transfer of \$141,286 from 17SAS Category IV Stormwater Infrastructure Improvements to 19SBM 170 Ridge Way to fund the project. Environmental Management recommends awarding to Piedmont Paving, Inc. A Contractor Performance Evaluation for previous work is attached (Attachment 2).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	2357-B: Ridge Way Culvert Replacement	
<b>Contractor</b>	Piedmont Paving, Inc.	
<b>Contract Amount</b>	\$300,958.14	
<b>Budget:</b>		
Fund	<b>322</b>	<b>2017 SPLOST</b>
Org Code	32240320	Stormwater
Object	541210	Other Improvements
Project	19SBM	170 Ridge Way
Available	\$159,672.57	As of 3/13/2024
Requested Transfer	<u>\$141,286.00</u>	from 17SAS Category IV
Available	\$300,958.57	After BOC approval of transfer

MARION BLVD

GANTT LN

HUIE HL

S HIGHWAY 92

OXFORD LN

LAMBERTH LAKE DR

TANDY TRCE

ROXBORO CT

92

FIELD GREEN CT

BROCKETT CT

RIDGE WAY

WENDELL CT

KINGSWOOD DR

DERBY DR

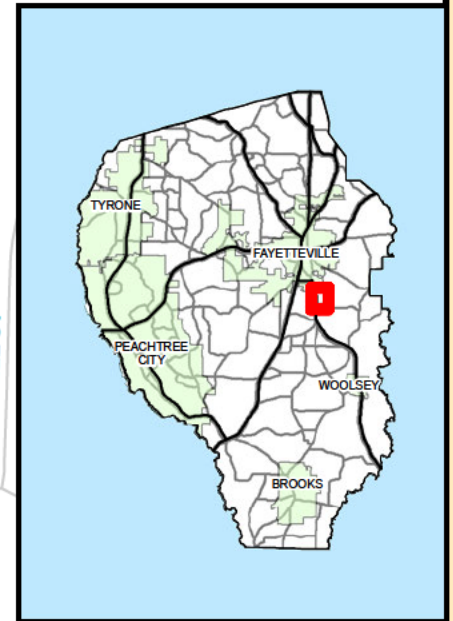
POND TRCE

HILO RD

PARK HILL LN

SPRINGDALE LN

BEACON DR

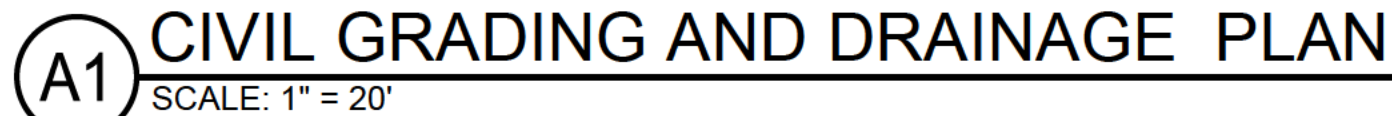


● Project Location

Fayette County 2017 SPLOST  
170 Ridge Way- 19SBM  
Stormwater Culvert Replacement







SCALE: 1" = 20'



**Know what's below.**  
**Call** before you dig.  
 Dial 811  
 Or Call 800-282-7411

**RIDGE WAY  
CULVERT REPLACEMENT**  
FAYETTE COUNTY, GA. 30214

**CIVIL GRADING AND  
DRAINAGE PLAN**

**FAYETTE COUNTY**  
140 STONEWALL AVE W, SUITE 203,  
FAYETTEVILLE, GA. 30214

**POND**  
33500 Parkway Lane, Suite 500  
Peachtree Corners, GA 30092  
Phone (678) 336-7740  
Fax (678) 336-7744

DESIGNED BY: FAH	DATE: NOV 30, 2023
DWN BY: ABC	SOLICITATION NO.: FAH
SUBMITTED BY: FAH	CONTRACT NO.: FAH
FILE NAME:	FILE NUMBER:
SIZE: 100 MB	PLOT SCALE:
DATE: 11/30/2023	PLOT DATE:

--	--	--	--	--

[illegible][illegible]

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1. CONTRACTOR TO COORDINATE LANE CLOSURE WITH FAYETTE COUNTY AND ENGINEER. PROVIDE AT LEAST ONE 12 FOOT LANE FOR TRAFFIC AT ALL TIMES.
2. ALL CONCRETE FORMWORK AND REINFORCING BARS TO BE INSPECTED BY THE FIELD REPRESENTATIVE AND ENGINEER OR OWNER IN CONJUNCTION WITH THE CONTRACTOR'S REPRESENTATIVE BEFORE CONCRETE IS PLACED.
3. AS-BUILT DRAWINGS SHALL CONTAIN ALL RELEVANT ELEVATIONS AND INVERTS. AS-BUILT TO BE CERTIFIED.
4. CONTRACTOR TO BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGED CURB, DRIVEWAYS, ASPHALT, FENCING OR ROADWAY DURING CONSTRUCTION.
5. CONTRACTOR TO PROVIDE BYPASS PUMPING PLAN TO BE APPROVED BY THE ENGINEER AND FAYETTE COUNTY WATER SYSTEM PRIOR TO CONSTRUCTION.
6. ALL DAMAGED, DEMOLISHED, OR REMOVED SOD TO BE REPLACED IN-KIND WITH SOD.

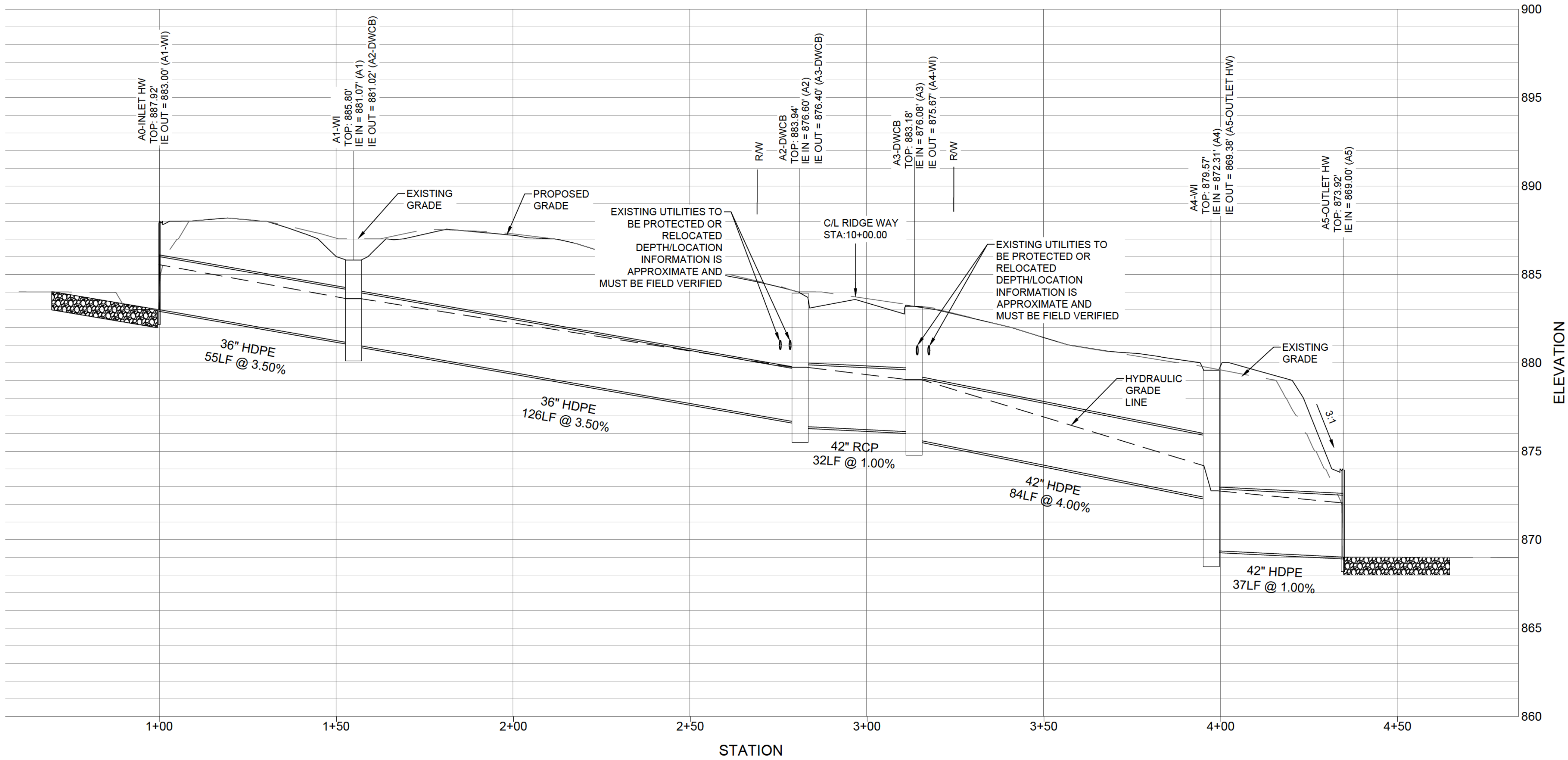
1. ALL RIPRAP TO BE GDOT TYPE 3. RIPRAP TO BE PLACED AT CULVERT OUTLET FOR SCOUR PROTECTION PER DETAIL .
2. ROAD TO BE GRADED FROM CROWN TO EDGE OF ASPHALT AT  $\frac{1}{4}$ " PER 1'
3. MINIMUM SHOULDER WIDTH TO BE PROVIDED IS 6'. SHOULDER SHALL BE GRADED AT  $\frac{3}{4}$ " PER 1'.
4. ROAD CROSS SECTION BETWEEN ROAD STATIONS -16.31 AND 16.29 SHALL COMPLY WITH FAYETTE COUNTY STANDARDS (SEE C1/SHEET C-501).
5. MAXIMUM SLOPES ALLOWED WITHIN FAYETTE COUNTY RIGHT-OF-WAY SHALL BE 2:1. PROVIDE 3:1 SLOPES WHERE POSSIBLE.
6. HDPE PIPE TO BE PER GDOT SPECIFICATION.

WALL ELEVATION:  
TW = TOP OF RETAINING WALL  
GR = GROUND ELEVATION

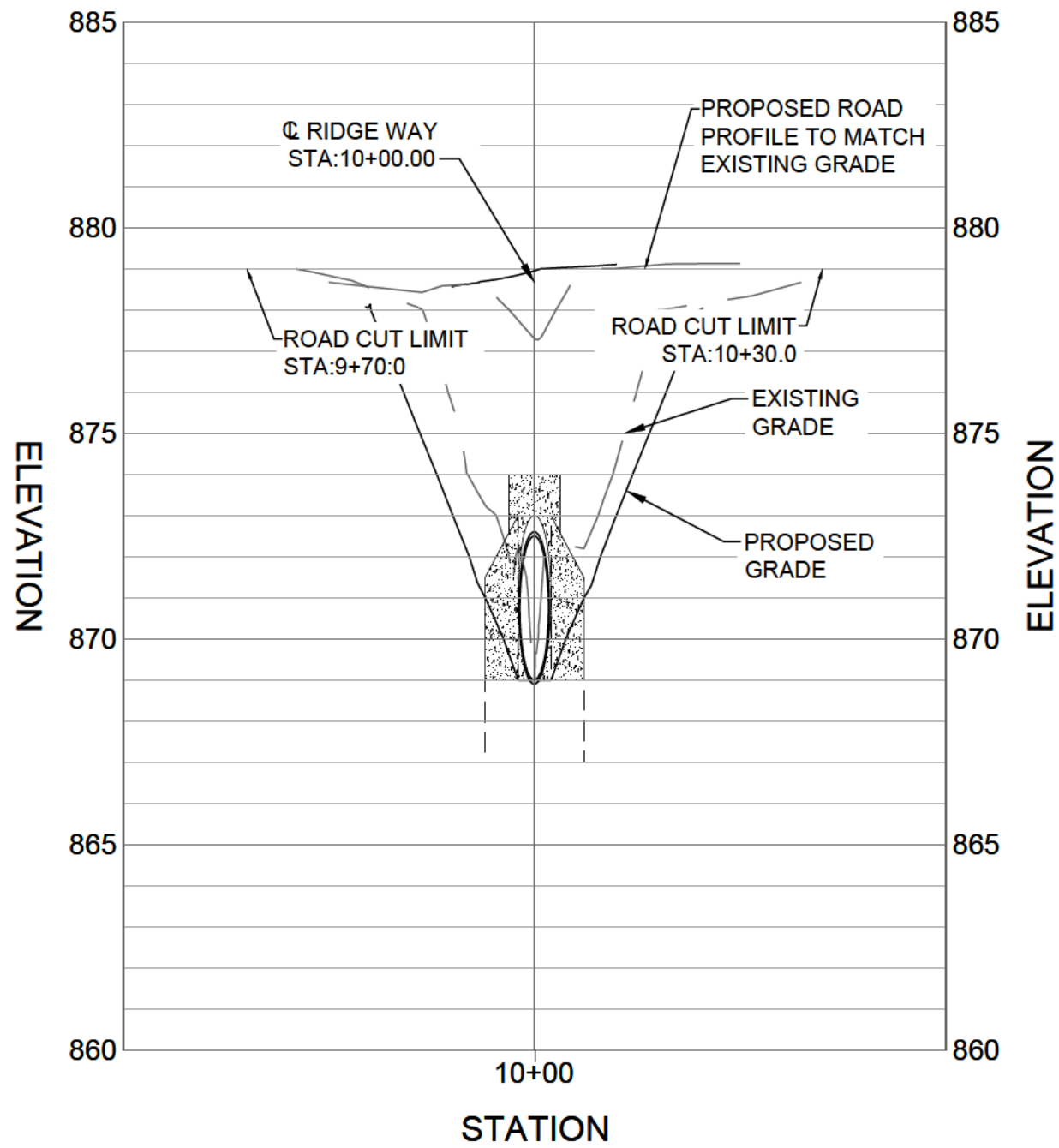
Diagram illustrating a riprap outlet protection structure. The structure is shown as a rectangular area filled with riprap (stones). Above the structure, a horizontal line is labeled "LOD" (Line of Disturbance / Temporary Easement). To the right of the structure, the text "LIMIT OF DISTURBANCE / TEMPORARY EASEMENT" is written. Below the structure, the text "RIPRAP OUTLET PROTECTION" is written. At the bottom of the diagram, a dashed rectangular box is labeled "25 FOOT STATE BUFFER".



D  
C  
B  
A



PROPOSED CULVERT PROFILE  
HORIZ. SCALE 1" = 20'  
VERT. SCALE 1" = 4'

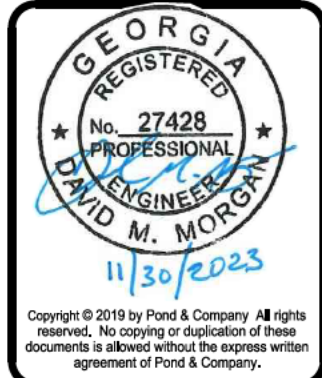


PROPOSED HEADWALL/CULVERT CROSS SECTION  
HORIZ. SCALE 1" = 20'  
VERT. SCALE 1" = 4'

**A1** CIVIL CULVERT PROFILES  
SCALE: 1" = 20'



Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411



MARK	DESCRIPTION	DATE	APPR.

DESIGNED BY: FAH	DATE: NOV 30, 2023	SOLUTION NO.:
DWN BY: SK	CONTRACT NO.:	
SUBMITTED BY: FAH	FILE NUMBER:	
FILE NAME:	PLOT DATE:	
SIZE: 22" x 34"	PLOT SCALE:	

**FAYETTE COUNTY**  
140 STONEWALL AVE W, SUITE 203,  
FAYETTEVILLE, GA 30214

**POND**  
Professional Engineer, No. 110989  
Fayette County, Georgia  
Phone (878) 335-7740  
POND DESIGN NO. 110989

<b>RIDGE WAY</b> <b>CULVERT REPLACEMENT</b> FAYETTE COUNTY, GA 30214	CIVIL CULVERT PROFILES
--	------------------------

SHEET  
IDENTIFICATION  
**CG201**





## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: <b>Piedmont Paving</b>	Contract Number: <b>1639-B</b>
Mailing Address: <b>1226 Highway 16 East</b>	Contract Description or Title: <b>Morning Dove Drive Culvert Replacement</b>
City, St, Zip Code: <b>Newnan, GA 30263</b>	Contract Term (Dates) From: <b>2/22/2019</b> To: <b>Completion</b>
Phone Number: <b>678-317-0586</b>	Task Order Number: <b>NA</b>
Cell Number:	Other Reference:
E-Mail Address:	

### DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

### EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance			X		

### EVALUATED BY

Signature: <i>Courtney Hassenzahl</i>	Date of Evaluation: 7/7/2021
Print Name: <b>Courtney Hassenzahl</b>	Department/Division: Environmental Management
Title: Assistant Director	Telephone No: 770-305-5410



[illegible][illegible]

Tally Sheet  
ITB 2357-B: Ridge Way Culvert Replacement

ITEM DESCRIPTION	EST QUANTITY	UNIT	RDJE, Inc.		Site Engineering, Inc.		Redland Grading Company, Inc.		Helix	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
TRAFFIC CONTROL	1.00	LS	\$ 30,000.34	\$ 30,000.34	\$ 10,000.00	\$ 10,000.00	\$ 19,190.00	\$ 19,190.00	\$ 21,767.33	\$ 21,767.33
TEMPORARY GRASSING	0.08	AC	\$ 4,397.00	\$ 351.76	\$ 100.00	\$ 8.00	\$ 7,440.00	\$ 595.20	\$ 6,185.63	\$ 494.85
MULCH	1.00	TN	\$ 1,407.00	\$ 1,407.00	\$ 200.00	\$ 200.00	\$ 928.00	\$ 928.00	\$ 583.21	\$ 583.21
CONSTRUCT AND REMOVE CONSTRUCTION EXITS	1.00	EA	\$ 5,079.00	\$ 5,079.00	\$ 3,000.00	\$ 3,000.00	\$ 4,720.00	\$ 4,720.00	\$ 1.00	\$ 1.00
MAINTENANCE OF TEMPORARY SILT FENCE, TP C	280.00	LF	\$ 3.00	\$ 840.00	\$ 1.00	\$ 280.00	\$ 3.43	\$ 960.40	\$ 2.36	\$ 660.80
TEMPOARY SILT FENCE, TP C	280.00	LF	\$ 4.00	\$ 1,120.00	\$ 4.00	\$ 1,120.00	\$ 8.87	\$ 2,483.60	\$ 5.80	\$ 1,624.00
CLEARING & GRUBBING	1.00	LS	\$ 70,000.00	\$ 70,000.00	\$ 40,000.00	\$ 40,000.00	\$ 39,730.00	\$ 39,730.00	\$ 12,010.75	\$ 12,010.75
FOUND BKILL MATL, TP II	137.36	CY	\$ 179.00	\$ 24,587.44	\$ 50.00	\$ 6,868.00	\$ 65.11	\$ 8,943.51	\$ 98.02	\$ 13,464.03
GRADING COMPLETE-	1.00	LS	\$ 40,000.00	\$ 40,000.00	\$ 25,000.00	\$ 25,000.00	\$ 56,565.00	\$ 56,565.00	\$ 81,375.76	\$ 81,375.76
GR AGGR BASE CRS, 6 INCH, INCL MATL	160.61	SY	\$ 31.00	\$ 4,978.91	\$ 30.00	\$ 4,818.30	\$ 31.00	\$ 4,978.91	\$ 44.28	\$ 7,111.81
9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY, INCL BITUM MATL & H LIME	13.72	TN	\$ 430.00	\$ 5,899.60	\$ 500.00	\$ 6,860.00	\$ 248.18	\$ 3,405.03	\$ 700.65	\$ 9,612.92
19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	18.30	TN	\$ 697.00	\$ 12,755.10	\$ 500.00	\$ 9,150.00	\$ 246.16	\$ 4,504.73	\$ 639.69	\$ 11,706.33
TACK COAT	8.13	GL	\$ 107.00	\$ 869.91	\$ 40.00	\$ 325.20	\$ 41.18	\$ 334.79	\$ 17.08	\$ 138.86
CONCRETE HEADWALLS	2.00	EA	\$ 38,777.00	\$ 77,554.00	\$ 5,000.00	\$ 10,000.00	\$ 5,133.00	\$ 10,266.00	\$ 7,003.03	\$ 14,006.06
CONC CURB & GUTTER, 6 IN X 24 IN, TP 2	122.00	LF	\$ 89.00	\$ 10,858.00	\$ 80.00	\$ 9,760.00	\$ 32.16	\$ 3,923.52	\$ 70.77	\$ 8,633.94
STORM DRAIN PIPE, HDPE, 36 IN, H 1-10	181.00	LF	\$ 400.00	\$ 72,400.00	\$ 335.00	\$ 60,635.00	\$ 162.87	\$ 29,479.47	\$ 127.41	\$ 23,061.21
STORM DRAIN PIPE, RCP, 42 IN, H 1-10	32.00	LF	\$ 1,036.00	\$ 33,152.00	\$ 370.00	\$ 11,840.00	\$ 361.18	\$ 11,557.76	\$ 564.24	\$ 18,055.68
STORM DRAIN PIPE, HDPE, 42 IN, H 1-10	121.00	LF	\$ 818.00	\$ 98,978.00	\$ 370.00	\$ 44,770.00	\$ 209.57	\$ 25,357.97	\$ 142.62	\$ 17,257.02
STN DUMPED RIP RAP, TP 3, 12 IN	196.78	SY	\$ 55.00	\$ 10,822.90	\$ 100.00	\$ 19,678.00	\$ 139.92	\$ 27,533.46	\$ 131.76	\$ 25,927.73
PLASTIC FILTER FABRIC	196.78	SY	\$ 18.00	\$ 3,542.04	\$ 10.00	\$ 1,967.80	\$ 9.41	\$ 1,851.70	\$ 5.42	\$ 1,066.55
CATCH BASIN, GP 2	2.00	EA	\$ 31,532.00	\$ 63,064.00	\$ 15,000.00	\$ 30,000.00	\$ 10,650.00	\$ 21,300.00	\$ 6,592.71	\$ 13,185.42
CATCH BASIN, GP 2, ADDL DEPTH	5.00	LF	\$ 1,678.00	\$ 8,390.00	\$ 800.00	\$ 4,000.00	\$ 790.00	\$ 3,950.00	\$ 326.65	\$ 1,633.25
DROP INLET, GP 1, TYPE C WITH WEIR	2.00	EA	\$ 26,491.00	\$ 52,982.00	\$ 12,000.00	\$ 24,000.00	\$ 8,960.00	\$ 17,920.00	\$ 4,988.28	\$ 9,976.56
DROP INLET, GP 1, TYPE C WITH WEIR, ADDL DEPTH	5.00	LF	\$ 959.00	\$ 4,795.00	\$ 800.00	\$ 4,000.00	\$ 778.00	\$ 3,890.00	\$ 755.67	\$ 3,778.35
SOD	1,536.00	SY	\$ 18.00	\$ 27,648.00	\$ 25.00	\$ 38,400.00	\$ 13.15	\$ 20,198.40	\$ 23.56	\$ 36,188.16
ALLOWANCE	1.00	LS	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
			\$ 687,075.00			\$ 391,680.30		\$ 349,567.45		\$ 358,321.57
ALTERNATES	EST QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
REMOVE WATER MAIN, 6 IN	40.00	LF	\$ 300.00	\$ 12,000.00	\$ 100.00	\$ 4,000.00	\$ 61.05	\$ 2,442.00	\$ 126.50	\$ 5,060.00
WATER MAIN, 6 IN, DIP	40.00	LF	\$ 485.00	\$ 19,400.00	\$ 200.00	\$ 8,000.00	\$ 791.80	\$ 31,672.00	\$ 169.68	\$ 6,787.20
VALVE MARKER	2.00	EA	\$ 2,050.00	\$ 4,100.00	\$ 100.00	\$ 200.00	\$ 350.00	\$ 700.00	\$ 90.48	\$ 180.96
GATE VALVE, 6 IN	2.00	EA	\$ 6,600.00	\$ 13,200.00	\$ 5,000.00	\$ 10,000.00	\$ 3,165.00	\$ 6,330.00	\$ 2,347.71	\$ 4,695.42
STEEL CASING, 12 IN	16.00	LF	\$ 1,110.00	\$ 17,760.00	\$ 400.00	\$ 6,400.00	\$ 414.00	\$ 6,624.00	\$ 324.32	\$ 5,189.12
Total Alternate				\$ 66,460.00		\$ 28,600.00		\$ 47,768.00		\$ 21,912.70
Total bid including alternate				\$ 753,535.00		\$ 420,280.30		\$ 397,335.45		\$ 380,234.27

Red font indicates calculation error that has been corrected.



## Tally Sheet

## ITB 2357-B: Ridge Way Culvert Replacement

ITEM DESCRIPTION	EST QUANTITY	UNIT	Summit Construction & Development		Crawford Grading		McLeRoy, Inc.		F. S. Scarbrough LLC	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
TRAFFIC CONTROL	1.00	LS	\$ 19,750.00	\$ 19,750.00	\$ 22,500.00	\$ 22,500.00	\$ 20,812.63	\$ 20,812.63	\$ 21,778.19	\$ 21,778.19
TEMPORARY GRASSING	0.08	AC	\$ 5,500.00	\$ 440.00	\$ 100.00	\$ 8.00	\$ 2,173.50	\$ 173.88	\$ 1,219.58	\$ 97.57
MULCH	1.00	TN	\$ 250.00	\$ 250.00	\$ 1.00	\$ 1.00	\$ 434.70	\$ 434.70	\$ 718.69	\$ 718.69
CONSTRUCT AND REMOVE CONSTRUCTION EXITS	1.00	EA	\$ 500.00	\$ 500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,764.47	\$ 3,764.47	\$ 4,119.32	\$ 4,119.32
MAINTENANCE OF TEMPORARY SILT FENCE, TP C	280.00	LF	\$ 0.20	\$ 56.00	\$ 1.00	\$ 280.00	\$ 0.01	\$ 2.80	\$ 2.91	\$ 814.80
TEMPOARY SILT FENCE, TP C	280.00	LF	\$ 4.50	\$ 1,260.00	\$ 12.00	\$ 3,360.00	\$ 3.73	\$ 1,044.40	\$ 7.12	\$ 1,993.60
CLEARING & GRUBBING	1.00	LS	\$ 21,500.00	\$ 21,500.00	\$ 15,650.00	\$ 15,650.00	\$ 23,671.72	\$ 23,671.72	\$ 12,404.86	\$ 12,404.86
FOUND BK FILL MATL, TP II	137.36	CY	\$ 84.00	\$ 11,538.24	\$ 2.00	\$ 274.72	\$ 155.10	\$ 21,304.54	\$ 59.12	\$ 8,120.72
GRADING COMPLETE-	1.00	LS	\$ 110,361.94	\$ 110,361.94	\$ 18,400.00	\$ 18,400.00	\$ 39,696.44	\$ 39,696.44	\$ 22,699.69	\$ 22,699.69
GR AGGR BASE CRS, 6 INCH, INCL MATL	160.61	SY	\$ 18.50	\$ 2,971.29	\$ 30.00	\$ 4,818.30	\$ 26.74	\$ 4,294.71	\$ 50.96	\$ 8,184.69
9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY, INCL BITUM MATL & H LIME	13.72	TN	\$ 380.00	\$ 5,213.60	\$ 820.00	\$ 11,250.40	\$ 352.27	\$ 4,833.14	\$ 729.51	\$ 10,008.88
19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	18.30	TN	\$ 300.00	\$ 5,490.00	\$ 850.00	\$ 15,555.00	\$ 479.41	\$ 8,773.20	\$ 1,535.26	\$ 28,095.26
TACK COAT	8.13	GL	\$ 80.00	\$ 650.40	\$ 500.00	\$ 4,065.00	\$ 4.34	\$ 35.28	\$ 8.97	\$ 72.93
CONCRETE HEADWALLS	2.00	EA	\$ 3,400.00	\$ 6,800.00	\$ 5,155.00	\$ 10,310.00	\$ 10,285.57	\$ 20,571.14	\$ 6,287.94	\$ 12,575.88
CONC CURB & GUTTER, 6 IN X 24 IN, TP 2	122.00	LF	\$ 30.00	\$ 3,660.00	\$ 60.00	\$ 7,320.00	\$ 42.17	\$ 5,144.74	\$ 31.94	\$ 3,896.68
STORM DRAIN PIPE, HDPE, 36 IN, H 1-10	181.00	LF	\$ 140.00	\$ 25,340.00	\$ 230.00	\$ 41,630.00	\$ 170.10	\$ 30,788.10	\$ 108.33	\$ 19,607.73
STORM DRAIN PIPE, RCP, 42 IN, H 1-10	32.00	LF	\$ 320.00	\$ 10,240.00	\$ 820.00	\$ 26,240.00	\$ 275.28	\$ 8,808.96	\$ 383.73	\$ 12,279.36
STORM DRAIN PIPE, HDPE, 42 IN, H 1-10	121.00	LF	\$ 280.00	\$ 33,880.00	\$ 310.00	\$ 37,510.00	\$ 192.25	\$ 23,262.25	\$ 149.65	\$ 18,107.65
STN DUMPED RIP RAP, TP 3, 12 IN	196.78	SY	\$ 60.00	\$ 11,806.80	\$ 65.00	\$ 12,790.70	\$ 106.72	\$ 21,000.36	\$ 67.70	\$ 13,322.01
PLASTIC FILTER FABRIC	196.78	SY	\$ 3.50	\$ 688.73	\$ 25.00	\$ 4,919.50	\$ 13.08	\$ 2,573.88	\$ 8.93	\$ 1,757.25
CATCH BASIN, GP 2	2.00	EA	\$ 12,500.00	\$ 25,000.00	\$ 13,500.00	\$ 27,000.00	\$ 12,779.13	\$ 25,558.26	\$ 10,777.68	\$ 21,555.36
CATCH BASIN, GP 2, ADDL DEPTH	5.00	LF	\$ 150.00	\$ 750.00	\$ 500.00	\$ 2,500.00	\$ 1.24	\$ 6.20	\$ 433.09	\$ 2,165.45
DROP INLET, GP 1, TYPE C WITH WEIR	2.00	EA	\$ 6,500.00	\$ 13,000.00	\$ 8,750.00	\$ 17,500.00	\$ 10,165.71	\$ 20,331.42	\$ 10,557.03	\$ 21,114.06
DROP INLET, GP 1, TYPE C WITH WEIR, ADDL DEPTH	5.00	LF	\$ 150.00	\$ 750.00	\$ 500.00	\$ 2,500.00	\$ 1.24	\$ 6.20	\$ 433.09	\$ 2,165.45
SOD	1,536.00	SY	\$ 12.50	\$ 19,200.00	\$ 14.00	\$ 21,504.00	\$ 14.90	\$ 22,886.40	\$ 23.01	\$ 35,343.36
ALLOWANCE	1.00	LS	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
			\$ 356,097.00		\$ 336,386.62		\$ 334,779.83		\$ 307,999.42	

ALTERNATES	EST QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
REMOVE WATER MAIN, 6 IN	40.00	LF	\$ 25.00	\$ 1,000.00	\$ 50.00	\$ 2,000.00	\$ 13.04	\$ 521.60	\$ 12.43	\$ 497.20
WATER MAIN, 6 IN, DIP	40.00	LF	\$ 120.00	\$ 4,800.00	\$ 320.00	\$ 12,800.00	\$ 106.26	\$ 4,250.40	\$ 416.25	\$ 16,650.00
VALVE MARKER	2.00	EA	\$ 300.00	\$ 600.00	\$ 125.00	\$ 250.00	\$ 853.98	\$ 1,707.96	\$ 217.34	\$ 434.68
GATE VALVE, 6 IN	2.00	EA	\$ 3,200.00	\$ 6,400.00	\$ 3,000.00	\$ 6,000.00	\$ 1,731.10	\$ 3,462.20	\$ 3,607.77	\$ 7,215.54
STEEL CASING, 12 IN	16.00	LF	\$ 350.00	\$ 5,600.00	\$ 250.00	\$ 4,000.00	\$ 278.70	\$ 4,459.20	\$ 359.70	\$ 5,755.20
Total Alternate				\$ 18,400.00		\$ 25,050.00		\$ 14,401.36		\$ 30,552.62
Total bid including alternate				\$ 374,497.00		\$ 361,436.62		\$ 349,181.19		\$ 338,552.04

Red font indicates calculation error that has been corrected.

Tally Sheet  
ITB 2357-B: Ridge Way Culvert Replacement

ITEM DESCRIPTION	EST QUANTITY	UNIT	Blount Construction		Piedmont Paving, Inc.		Ryde Grading, Inc.*
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
TRAFFIC CONTROL	1.00	LS	\$ 43,002.75	\$ 43,002.75	\$ 8,474.80	\$ 8,474.80	D i s q u a l i f i e d
TEMPORARY GRASSING	0.08	AC	\$ 5,150.00	\$ 412.00	\$ 8,250.00	\$ 660.00	
MULCH	1.00	TN	\$ 772.50	\$ 772.50	\$ 440.00	\$ 440.00	
CONSTRUCT AND REMOVE CONSTRUCTION EXITS	1.00	EA	\$ 3,249.24	\$ 3,249.24	\$ 3,434.49	\$ 3,434.49	
MAINTENANCE OF TEMPORARY SILT FENCE, TP C	280.00	LF	\$ 1.96	\$ 548.80	\$ 2.11	\$ 590.80	
TEMPOARY SILT FENCE, TP C	280.00	LF	\$ 3.61	\$ 1,010.80	\$ 6.94	\$ 1,943.20	
CLEARING & GRUBBING	1.00	LS	\$ 34,079.39	\$ 34,079.39	\$ 27,006.84	\$ 27,006.84	
FOUND BKFILL MATL, TP II	137.36	CY	\$ 129.21	\$ 17,748.29	\$ 110.67	\$ 15,201.63	
GRADING COMPLETE-	1.00	LS	\$ 20,391.00	\$ 20,391.00	\$ 56,156.24	\$ 56,156.24	
GR AGGR BASE CRS, 6 INCH, INCL MATL	160.61	SY	\$ 27.26	\$ 4,378.23	\$ 37.38	\$ 6,003.60	
9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY, INCL BITUM MATL & H LIME	13.72	TN	\$ 431.57	\$ 5,921.14	\$ 382.14	\$ 5,242.96	
19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	18.30	TN	\$ 426.42	\$ 7,803.49	\$ 281.26	\$ 5,147.06	
TACK COAT	8.13	GL	\$ 22.66	\$ 184.23	\$ 38.42	\$ 312.35	
CONCRETE HEADWALLS	2.00	EA	\$ 4,023.26	\$ 8,046.52	\$ 3,763.73	\$ 7,527.46	
CONC CURB & GUTTER, 6 IN X 24 IN, TP 2	122.00	LF	\$ 66.08	\$ 8,061.76	\$ 51.79	\$ 6,318.38	
STORM DRAIN PIPE, HDPE, 36 IN, H 1-10	181.00	LF	\$ 98.60	\$ 17,846.60	\$ 130.32	\$ 23,587.92	
STORM DRAIN PIPE, RCP, 42 IN, H 1-10	32.00	LF	\$ 478.60	\$ 15,315.20	\$ 342.82	\$ 10,970.24	
STORM DRAIN PIPE, HDPE, 42 IN, H 1-10	121.00	LF	\$ 130.83	\$ 15,830.43	\$ 144.93	\$ 17,536.53	
STN DUMPED RIP RAP, TP 3, 12 IN	196.78	SY	\$ 40.28	\$ 7,926.30	\$ 45.19	\$ 8,892.49	
PLASTIC FILTER FABRIC	196.78	SY	\$ 6.42	\$ 1,263.33	\$ 7.06	\$ 1,389.27	
CATCH BASIN, GP 2	2.00	EA	\$ 8,961.26	\$ 17,922.52	\$ 8,204.95	\$ 16,409.90	
CATCH BASIN, GP 2, ADDL DEPTH	5.00	LF	\$ 779.73	\$ 3,898.65	\$ 487.61	\$ 2,438.05	
DROP INLET, GP 1, TYPE C WITH WEIR	2.00	EA	\$ 6,156.92	\$ 12,313.84	\$ 8,170.94	\$ 16,341.88	
DROP INLET, GP 1, TYPE C WITH WEIR, ADDL DEPTH	5.00	LF	\$ 779.73	\$ 3,898.65	\$ 487.61	\$ 2,438.05	
SOD	1,536.00	SY	\$ 11.00	\$ 16,896.00	\$ 16.50	\$ 25,344.00	
ALLOWANCE	1.00	LS	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	
				<b>\$ 293,721.64</b>		<b>\$ 294,808.14</b>	

ALTERNATES	EST QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	Disqualified
REMOVE WATER MAIN, 6 IN	40.00	LF	\$ 41.20	\$ 1,648.00	\$ 20.00	\$ 800.00	
WATER MAIN, 6 IN, DIP	40.00	LF	\$ 154.50	\$ 6,180.00	\$ 50.00	\$ 2,000.00	
VALVE MARKER	2.00	EA	\$ 309.00	\$ 618.00	\$ 75.00	\$ 150.00	
GATE VALVE, 6 IN	2.00	EA	\$ 8,240.00	\$ 16,480.00	\$ 950.00	\$ 1,900.00	
STEEL CASING, 12 IN	16.00	LF	\$ 206.00	\$ 3,296.00	\$ 81.25	\$ 1,300.00	
Total Alternate				\$ 28,222.00		\$ 6,150.00	
Total bid including alternate				<b>\$ 321,943.64</b>		<b>\$ 300,958.14</b>	

Red font indicates calculation error that has been corrected.

\*Disqualified due to work performance under Contract 1516-B Broom Blvd. Culvert Replacement and references provided with bid.



# COUNTY AGENDA REQUEST

Page 195 of 210

Department: Parks and Recreation

Presenter(s): Anita Godbee, Director

Meeting Date: Thursday, March 28, 2024

Type of Request: Consent Item #10

## Wording for the Agenda:

Request to award IFB #2358-B to Headley Construction Corporation in the amount of \$299,977.68 for Kiwanis Park Pickleball Construction and approval to transfer \$120,000.00 from Kiwanis Park Restroom Facility Budget 37560110 541210 236AC to the Kiwanis Park Pickleball Construction budget 37560110 541210 226AE to fully fund the Pickleball Court Construction project.

## Background/History/Details:

An Invitation to Bid was issued to construct four pickleball courts at Kiwanis Park. Five companies submitted bids. H.E. Hodge withdrew their bid because they do not perform asphalt leveling, fencing, storm drain pipes, or some of the other work required in the Invitation to Bid.

Parks and Recreation recommends the lowest bidder, Headley Construction Corporation.

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The available project (226AE) funding is \$183,820.96. A budget transfer of \$120,000 from project 236AC Kiwanis Park Restroom Facility is requested to cover the contract amount of \$299,977.68.

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

Consideration of staff's recommendation to award IFB #2358-B to Headley Construction Corp. in the amount of \$299,977.68 for Kiwanis Park Pickleball Construction and approval to transfer \$120,000.00 from Kiwanis Park Restroom Facility Budget 37560110 541210 236AC to the Kiwanis Park Pickleball Construction budget 37560110 541210 226AE to fully fund the Pickleball Court Construction project.

## If this item requires funding, please describe:

Funding in the amount of \$183,820.96 is available in 37560110 541210 226AE- Kiwanis Park Pickleball Construction, and a transfer from Kiwanis Park Restroom Facility 37560110 541210 236AC in the amount of \$120,000.00.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

Reviewed by Legal No

Approved by Purchasing Yes

County Clerk's Approval No

Administrator's Approval

## Staff Notes:



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

To: Steve Rapson

From: Ted Burgess *TB*

Date: March 28, 2024

**Subject: Invitation to Bid #2358-B: Kiwanis Park Pickleball Court Construction**

The Purchasing Department issued Invitation to Bid #2358-B to obtain a contractor for the construction of 4 pickleball courts at Kiwanis Park. The Department emailed notices to 12 companies. An additional 1200 vendors were notified through the Internet-based Georgia Procurement Registry. Invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), and Channel 23.

Five companies submitted bids. One – H.E. Hodge – does not do asphalt leveling, fencing, storm drain pipes, or some of the other work required by the Invitation to Bid. For this reason, they withdrew their bid.

The Department of Parks and Recreation recommends the lowest responsive bidder, Headley Construction Corporation. Headley Construction Corporation has not previously had a contract with us, so a Contractor Performance Evaluation is not available. Their references all gave good reports. The available project funding is \$183,820.96. The Department of Parks and Recreation is requesting a budget transfer of \$120,000.00 from 236AC Kiwanis Park Restroom Facility to fund the project. The \$120,000 available in Project 236AC will not be enough to adequately fund the rest room, so they will ask for this at another time. Specifics of the proposed contract are as follows:

<b>Contract Name</b>	2358-B: Kiwanis Park Pickleball Court Construction	
<b>Vendor</b>	Headley Construction Corporation	
<b>Contract Amount</b>	\$299,977.68	
<b>Budget:</b>		
Org. Code	27560110	Recreation CIP
Object	541210	Other Improvements
Project	226AE	Kiwanis Park Pickleball Courts
Current Balance	\$183,820.96	As of 3/15/2024
Requested Transfer	<u>120,000.00</u>	from 236AC Kiwanis Restroom Facility
Total Available	\$303,820.96	After BOC approval of transfer

**TALLY SHEET**  
**ITB 2358-B: KIWANIS PARK PICKLEBALL COURT CONSTRUCTION**  
**Tuesday, February 13, 2024**

PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Complete Site LLC		MCLEROY, INC.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	SURVEY	1	LS	\$ 6,500.00	\$ 6,500.00	\$ 3,105.00	\$ 3,105.00
2	BARRIER FENCE (ORANGE), 4 FT	344	LF	\$ 4.00	\$ 1,376.00	\$ 3.50	\$ 1,204.00
3	TEMPORARY SILT FENCE, TYPE A	452	LF	\$ 5.00	\$ 2,260.00	\$ 4.00	\$ 1,808.00
4	CONSTRUCT AND REMOVE COMPOST FILTER SOCK, 18 IN	10	LF	\$ 50.00	\$ 500.00	\$ 33.00	\$ 330.00
5	STRIP SOD AND TOPSOIL. STORE ONSITE FOR RE-USE.	1	LS	\$ 8,000.00	\$ 8,000.00	\$ 9,559.50	\$ 9,559.50
6	CLEARING & GRUBBING-	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 14,252.00	\$ 14,252.00
7	FLARED END SECTION, 12 IN, STORM DRAIN	1	EA	\$ 3,000.00	\$ 3,000.00	\$ 2,452.50	\$ 2,452.50
8	STORM DRAIN PIPE, 12 IN, CLASS III	94	LF	\$ 75.00	\$ 7,050.00	\$ 144.00	\$ 13,536.00
9	NYLOPLAST DRAIN BASIN, 12 IN, PED GRATE, CONC COLLAR, DOMED GRATE INLET	1	EA	\$ 4,500.00	\$ 4,500.00	\$ 4,581.50	\$ 4,581.50
10	GRADING COMPLETE-	1	LS	\$ 141,891.84	\$ 141,891.84	\$ 63,952.00	\$ 63,952.00
11	TEMPORARY GRASSING	0.72	AC	\$ 1,500.00	\$ 1,080.00	\$ 2,173.50	\$ 1,564.92
12	MULCH	1	TN	\$ 750.00	\$ 750.00	\$ 404.00	\$ 404.00
13	GR AGGR BASE CRS, 4 INCH, INCL MATL	278	SY	\$ 16.00	\$ 4,448.00	\$ 43.50	\$ 12,093.00
14	CONC SIDEWALK, 4 IN	278	SY	\$ 60.00	\$ 16,680.00	\$ 102.00	\$ 28,356.00
15	CURB CUT WHEELCHAIR RAMP, TYPE B (GDOT DETAIL A3)	1	EA	\$ 1,600.00	\$ 1,600.00	\$ 1,876.00	\$ 1,876.00
16	PLASTIC FILTER FABRIC	6.35	SY	\$ 100.00	\$ 635.00	\$ 12.50	\$ 79.38
17	RIVER ROCK, 6 IN TO 8 IN	1.14	TN	\$ 800.00	\$ 912.00	\$ 2,711.50	\$ 3,091.11
18	BASE COURSE, 6 IN, EXTEND 12 IN OUTSIDE OF COURT AREA	806.46	SY	\$ 24.00	\$ 19,355.04	\$ 38.50	\$ 31,048.71
19	ASPHALT LEVELING COURSE, 3 IN	747.56	SY	\$ 52.00	\$ 38,873.12	\$ 31.50	\$ 23,548.14
20	ASPHALT SURFACE COURSE, 1 IN	747.56	SY	\$ 30.00	\$ 22,426.80	\$ 14.00	\$ 10,465.84
21	LIQUID APPLIED ACRYLIC SURFACE SYSTEM	747.56	SY	\$ 45.00	\$ 33,640.20	\$ 31.50	\$ 23,548.14
22	PLAYING LINES, LAYOUT AND STRIPING	1	LS	\$ 2,150.00	\$ 2,150.00	\$ 6,210.00	\$ 6,210.00
23	PICKLEBALL NET ASSEMBLY AND INSTALLATION	4	EA	\$ 2,150.00	\$ 8,600.00	\$ 2,236.00	\$ 8,944.00
24	CHAIN LINK FENCE, BLACK, VINYL COATED, 3 FT, 9 GA	180	LF	\$ 50.00	\$ 9,000.00	\$ 31.50	\$ 5,670.00
25	CHAIN LINK FENCE, BLACK, VINYL COATED, 6 FT, 9 GA	345	LF	\$ 50.00	\$ 17,250.00	\$ 47.50	\$ 16,387.50
26	GATE, CHAIN LINK, BLACK, VINYL COATED, 3 FT, SINGLE ACCESS	3	EA	\$ 600.00	\$ 1,800.00	\$ 621.00	\$ 1,863.00
27	GATE, CHAIN LINK, BLACK, VINYL COATED, 6 FT, SINGLE ACCESS	2	EA	\$ 800.00	\$ 1,600.00	\$ 869.50	\$ 1,739.00
28	SOD, TIFFTURF BERMUDA	1881	SY	\$ 12.00	\$ 22,572.00	\$ 15.00	\$ 28,215.00
29	QUERCUS NUTALLII 'QNI374' TM, ICON NUTTALL OAK	1	EA	\$ 1,600.00	\$ 1,600.00	\$ 994.00	\$ 994.00
30	QUERCUS SHUMARDII, SHUMARD OAK	2	EA	\$ 1,600.00	\$ 3,200.00	\$ 994.00	\$ 1,988.00
31	CONSTRUCTION, MATERIALS, AND TESTING ALLOWANCE	1	LS	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
				<b>TOTAL BASE BID</b>	<b>\$ 425,750.00</b>		<b>\$ 357,866.24</b>

PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	AWG Construction		Headley Construction Corp.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	SURVEY	1	LS	\$ 14,000.00	\$ 14,000.00	\$ 1,338.17	\$ 1,338.17
2	BARRIER FENCE (ORANGE), 4 FT	344	LF	\$ 6.00	\$ 2,064.00	\$ 3.92	\$ 1,348.48
3	TEMPORARY SILT FENCE, TYPE A	452	LF	\$ 6.00	\$ 2,712.00	\$ 3.39	\$ 1,532.28
4	CONSTRUCT AND REMOVE COMPOST FILTER SOCK, 18 IN	10	LF	\$ 250.00	\$ 2,500.00	\$ 40.15	\$ 401.50
5	STRIP SOD AND TOPSOIL. STORE ONSITE FOR RE-USE.	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 2,676.35	\$ 2,676.35
6	CLEARING & GRUBBING-	1	LS	\$ 4,520.00	\$ 4,520.00	\$ 2,341.80	\$ 2,341.80
7	FLARED END SECTION, 12 IN, STORM DRAIN	1	EA	\$ 3,900.00	\$ 3,900.00	\$ 4,683.61	\$ 4,683.61
8	STORM DRAIN PIPE, 12 IN, CLASS III	94	LF	\$ 101.00	\$ 9,494.00	\$ 120.44	\$ 11,321.36
9	NYLOPLAST DRAIN BASIN, 12 IN, PED GRATE, CONC COLLAR, DOMED GRATE INLET	1	EA	\$ 8,000.00	\$ 8,000.00	\$ 12,712.65	\$ 12,712.65
10	GRADING COMPLETE-	1	LS	\$ 23,036.00	\$ 23,036.00	\$ 26,763.48	\$ 26,763.48
11	TEMPORARY GRASSING	0.72	AC	\$ 4,861.11	\$ 3,500.00	\$ 1,561.19	\$ 1,124.06
12	MULCH	1	TN	\$ 3,500.00	\$ 3,500.00	\$ 669.09	\$ 669.09
13	GR AGGR BASE CRS, 4 INCH, INCL MATL	278	SY	\$ 30.79	\$ 8,559.62	\$ 20.07	\$ 5,579.46
14	CONC SIDEWALK, 4 IN	278	SY	\$ 66.58	\$ 18,509.24	\$ 85.72	\$ 23,830.16
15	CURB CUT WHEELCHAIR RAMP, TYPE B (GDOT DETAIL A3)	1	EA	\$ 4,680.00	\$ 4,680.00	\$ 669.09	\$ 669.09
16	PLASTIC FILTER FABRIC	6.35	SY	\$ 236.22	\$ 1,500.00	\$ 20.07	\$ 127.44
17	RIVER ROCK, 6 IN TO 8 IN	1.14	TN	\$ 2,631.57	\$ 2,999.99	\$ 769.45	\$ 877.17
18	BASE COURSE, 6 IN, EXTEND 12 IN OUTSIDE OF COURT AREA	806.46	SY	\$ 42.16	\$ 34,000.35	\$ 19.91	\$ 16,056.62
19	ASPHALT LEVELING COURSE, 3 IN	747.56	SY	\$ 33.44	\$ 24,998.41	\$ 42.96	\$ 32,115.18
20	ASPHALT SURFACE COURSE, 1 IN	747.56	SY	\$ 26.75	\$ 19,997.23	\$ 17.90	\$ 13,381.32
21	LIQUID APPLIED ACRYLIC SURFACE SYSTEM	747.56	SY	\$ 21.40	\$ 15,997.78	\$ 53.70	\$ 40,143.97
22	PLAYING LINES, LAYOUT AND STRIPING	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 2,676.35	\$ 2,676.35
23	PICKLEBALL NET ASSEMBLY AND INSTALLATION	4	EA	\$ 2,500.00	\$ 10,000.00	\$ 669.09	\$ 2,676.36
24	CHAIN LINK FENCE, BLACK, VINYL COATED, 3 FT, 9 GA	180	LF	\$ 55.55	\$ 9,999.00	\$ 60.22	\$ 10,839.60
25	CHAIN LINK FENCE, BLACK, VINYL COATED, 6 FT, 9 GA	345	LF	\$ 57.97	\$ 19,999.65	\$ 73.60	\$ 25,392.00
26	GATE, CHAIN LINK, BLACK, VINYL COATED, 3 FT, SINGLE ACCESS	3	EA	\$ 3,000.00	\$ 9,000.00	\$ 334.54	\$ 1,003.62
27	GATE, CHAIN LINK, BLACK, VINYL COATED, 6 FT, SINGLE ACCESS	2	EA	\$ 3,500.00	\$ 7,000.00	\$ 401.45	\$ 802.90
28	SOD, TIFFTURF BERMUDA	1881	SY	\$ 16.00	\$ 30,096.00	\$ 10.59	\$ 19,919.79
29	QUERCUS NUTALLII 'QNI374' TM, ICON NUTTALL OAK	1	EA	\$ 700.00	\$ 700.00	\$ 568.73	\$ 568.73
30	QUERCUS SHUMARDII, SHUMARD OAK	2	EA	\$ 900.00	\$ 1,800.00	\$ 702.54	\$ 1,405.08
31	CONSTRUCTION, MATERIALS, AND TESTING ALLOWANCE	1	LS	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
TOTAL BASE BID				\$ 350,063.27		\$ 299,977.68	



## Administrator's Report: A



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: January 12, 2024

**Subject: Contract 2128-B: Annual Contract for Waterline Extension  
 Task Order 24-07: Burch Rd. Vault Replacement**

The Water System must respond to needs for emergency or other non-routine repairs, extensions, or similar work on the water distribution system. On August 11, 2022, the Board of Commissioners awarded Contract 2128-B to Shockley Plumbing Co., Inc. which allows task orders to be issued and to establish a not-to-exceed or fixed price for each project.

This task order requests authorization to replace the existing vault and install a meter box with lid for meter endpoint on Burch Road. The existing meter is installed in an inadequate vault and the new meter for AMI cannot be installed without changing the meter box.

Specifics of the proposed task order are as follows:

<b>Contract Name</b>	2128-B: Annual Contract for Waterline Extension		
<b>Contractor</b>	Shockley Plumbing Co., Inc.		
<b>Type of Contract</b>	Annual, indeterminate quantity, fixed unit price contract		
<b>Task Order</b>	24-07 Burch Rd. Vault Replacement		
<b>Not to Exceed Amount</b>	\$105,205		
<b>Budget:</b>			
<b>Fund</b>	<b>507</b>	<b>Water CIP</b>	
<b>Org Code</b>	50740400	Water CIP	
<b>Object</b>	542540		
<b>Project</b>	8WTEX	Waterline Extensions	
<b>Available</b>	\$418,383.03	As of 1/12/2024	

Approved by: 

Date: 1/16/24

Place on County Administrator's Report? ☒ Yes ☐ No

On Agenda Dated: \_\_\_\_\_

**SHOCKLEY PLUMBING, INC.**1749 HABERSHAM CHURCH ROAD  
PERKINS, GEORGIA 30442**K.R. SHOCKLEY**

Mobile: (770) 550-5083

Fax: (478) 982-4131

**R.W. SHOCKLEY**

Mobile: (770) 550-5085

E-mail: robertshockley@att.net

INVOICE NO. **4228**

DATE: 10-18-2023

JOB:

Burch Road Vault

Dave

Replace existing vault and all contents.

Labor

73,205

Materials

32,000

Total

\$105,205

Thank You


RW Shockley


## Administrator's Report: B



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: February 2, 2024

**Subject: Contract 2379-S: Public Health Camera Installation**

One of the measures the County has undertaken to assure citizens' well-being was to initiate a plan to install security cameras in the parks and County buildings. In 2014 three vendors were invited to propose security camera systems for Kiwanis Park, with the understanding that future expansion contracts would be treated as continuation of the project and awarded to the same vendor. AdaptToSolve, Inc. was the successful company.

The renovation of the former East Fayette Elementary School into a facility for Public Health services requires not only external and internal security cameras, but also tag cameras strategically placed on the property. AdaptToSolve provided a quote based on Georgia State Contract for the installation of the security system (Attachment 1).

The Marshal's Office recommends the property be under surveillance due to pharmaceuticals stored on the property and the high rate of foot traffic. Camera recordings are stored by the Marshal's office and can be accessed remotely in case of any criminal or suspicious activity.

A Contractor Performance Evaluation for camera installation at the Elections Office is attached (Attachment 2).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	2379-S: Public Health Camera Installation		
<b>Contractor</b>	AdaptToSolve, Inc.		
<b>Contract Amount</b>	\$99,983.37		
<b>Budget:</b>			
<b>Fund</b>	<b>375</b>	<b>CIP</b>	
<b>Org Code</b>	37550110	<b>Health</b>	
<b>Object</b>	541320	<b>Building/Structures</b>	
<b>Project</b>	205AA	<b>Public Health Building</b>	
<b>Available</b>	\$3,477,251.35	<b>As of 1/29/2024</b>	

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Place on County Administrator's Report? ☒ Yes ☐ No

On Agenda Dated: 3/28/2024



**ADAPTTOSOLVE, INC****ADAPTIVE SOLUTIONS**111 AIRPORT PARKWAY  
LAGRANGE, GA 30240

Phone: 706-298-2734

Fax: 706-298-5015

www.adapttosolve.com

Acct Mgr: Dean Richardson

**QUOTE****41398**

Customer: 10463

Date: 11/28/2023 Due: 12/28/2023

Terms: NET 30

Quote Valid Through: 12/28/23

PO#/WO#: NEED PO/FC

Contract: 99999-SPD0000172-002

Bill To: FAYETTE COUNTY

Job Location: FAYETTE COUNTY

140 STONEWALL AVE W  
FAYETTEVILLE, GA 30214140 STONEWALL AVE W  
FAYETTEVILLE, GA 30214

Contact: NATASHA DUGGAN

7703055420

Contact: NATASHA DUGGAN

7703055420

Shipped Via:

F.O.B.:

Dist/Item Code	Reference Description	Quantity	Unit Price	Amount
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All Wire pathways are to be provided by others and existing before ATS can begin wiring for cameras

ATS to pull, terminate and test wire for cameras into MDF and IDF with patch panels supplied by Fayette County. ATS to mount and focus cameras. All head end to be on site by Fayette County including enough switches with POE+ ports for all devices supplied by ATS.

SV INST ATS STATE INSTALL GA STATE CONTRACT 99999-SPD0000172-002

HAN_PNM-12082RVC	108445 Network vandal outdo 2 lens over front entrance	1.0000	1,224.00	1,224.00
HAN_SBP-215HMMW	63297 Hanging mount for PN	1.0000	28.94	28.94
SBP-300WMW1	37752 WHITE Wall Mount for Domes, no back box	1.0000	48.89	48.89
HAN_SBP-300BW	44289 Wall Mount Base, Works with Mounts SBP-300WMW1, white	1.0000	64.38	64.38
WI_QND-8010R	31494 Wisenet Q Network Indoor Dome Camera 5mp @ 30fps 2.8mm Fixed Focal Lens (104 ) Triple Codec H.265 Inside Domes	35.0000	266.40	9,324.00
HAN_PNM-C32083RV	149321 Wisenet P series network vandal outdoor Multi-Directional camera [AI ON] 4CH x 8MP @ 15FPS / [AI OFF] 4CH x 8MP @ 20FPS, Motorized Varifocal Lens 3.3~5.7mm (FoV H: 109°~56°, V: 55°~31°), triple codec H.265/H.264/MJPEG, 120dB WDR; IR viewable length [PoE+] 4K Multi lens on front corners	2.0000	1,982.45	3,964.90
HW_SBP-276HMMW	37745 CAP ADAPTER	2.0000	46.46	92.92
HAN_PNM-9084RQZ	63315 Wisenet P series net Multi lens on outside corners	7.0000	2,073.60	14,515.20
SBP-317HMMW	37488 Pendant Cap-Can be used with PNM-9084QZ / 9084RQZ / 9085RQZ	7.0000	46.46	325.22
HAN_SPO-8315	112991 83W HPoE Injector, Fully compliant with IEEE802.3af/at, PoE++, Built-in SFP slot, Compatible with XNP-9300RW / XNP-8300RW / XNP-6400RW, PNM-9085RQZ / PNM-9084RQZ / PNM-9322VQP	9.0000	263.29	2,369.61
SBP-300KMW1	50721 Corner Mount Adapter	9.0000	48.89	440.01
SBP-300WMW	44306 White Gooseneck mount	9.0000	48.89	440.01
SBP-300NBW	37749 WHITE Wall Mount Base w conduit knockout. Use with SBP-300WM1	9.0000	217.05	1,953.45
EVIP-01	16992 PROFESSIONAL IP Camera license, per camera. Includes 1 year of software updates, or 3 years when purchased with an exacqVision server. Exacq license	45.0000	162.72	7,322.40
WBOX_0E-6SURGE2	62988 6 Outlet Power Strip with Surge Protection - 2 Pack	2.0000	17.49	34.98
WC_Cat6P-YLW	37573 Cat 6 Plenum-Yellow Jacket	12.0000	318.66	3,823.92
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I Build head end, programming	30.5000	95.00	2,897.50



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Shipped Via:

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Dist/Item Code	Reference Description	Quantity	Unit Price	Amount
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I Build head end, programming	30.5000	95.00	2,897.50
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I Pull, terminate, test wire	90.0000	95.00	8,550.00
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I Pull, terminate, test wire	90.0000	95.00	8,550.00
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I mount and focus cameras	60.0000	95.00	5,700.00
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I mount and focus cameras	60.0000	95.00	5,700.00
L-SV-GA-ENGRI	39258 GA STATE CONTRACT 99999-SPD0000172 ENGINEERING SPECIALST I as builds, drawings, meetings	20.0000	95.00	1,900.00
L-SV-GA-PROMNGR	39240 GA STATE CONTRACT 99999-SPD0000172 PROJECT MANAGER LABOR	40.0000	125.00	5,000.00
*** Subtotal ***	*** INSTALL GA STATE CONTRACT 99999-SPD0000172-002 state ***\$87,167.83 ***			
CONDUIT	10650 CONDUIT AND PARTS Flex, Ties, Anchors, Boxes ....	1.0000	1,440.00	1,440.00
DTK-MRJPOE	10744 1 PORT RJ45 SURGE SUPPRESSOR ETHERNET POE Outdoor Cameras. Building ground bus bar must supplied be in MDF/IDF by Fayette County	10.0000	70.79	707.90
CAT6 DATA DROP P/	25320 Cable, Box, Keystone Jack and cover. cameras plus server	46.0000	60.00	2,760.00
CCS-PC-CAT6NYW-0	10615 CAT 6 5 FT NETWORK PATCH CABLE-YELLOW cameras plus server	46.0000	2.34	107.64
ATS-TITAN-120	150415 12, 12 TB hard drives with 120 TB usable storage, 2U rackmount chassis. 12 hot-swap drives in RAID 6 for video storage. 2 SSDs in RAID 1 for operating system. Intel Xeon processor. 32 GB RAM. 2, 750 Watt PSU. 4, 1Gb Ethernet ports. Windows 10 Pro. Server with Exacqvision	1.0000	7,800.00	7,800.00
*** Subtotal ***	*** ANCILLARY GA STATE CONTRACT 99999-SPD0000172-002 ancillary ***\$12,815.54 ***			
GEORGIA SALES TAX GA-FAY X 308-437984 GOVT				

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Shipped Via:

F.O.B.:

Dis/Item Code

Reference Description

Quantity

Unit Price

Amount

**INVOICE SUMMARY:**

\*\*\* INSTALL GA STATE CONTRACT 99999-SPD0000172-002 state

\*\*\*\$87,167.83 \*\*\*

\*\*\* ANCILLARY GA STATE CONTRACT 99999-SPD0000172-002 ancillary

\*\*\*\$12,815.54 \*\*\*

**\$99,983.37**

Please Sign and Return to Proceed By: \_\_\_\_\_ Date: \_\_\_\_\_ PO#: \_\_\_\_\_

Health Department - 45 Hanwha Cameras with Exacq server

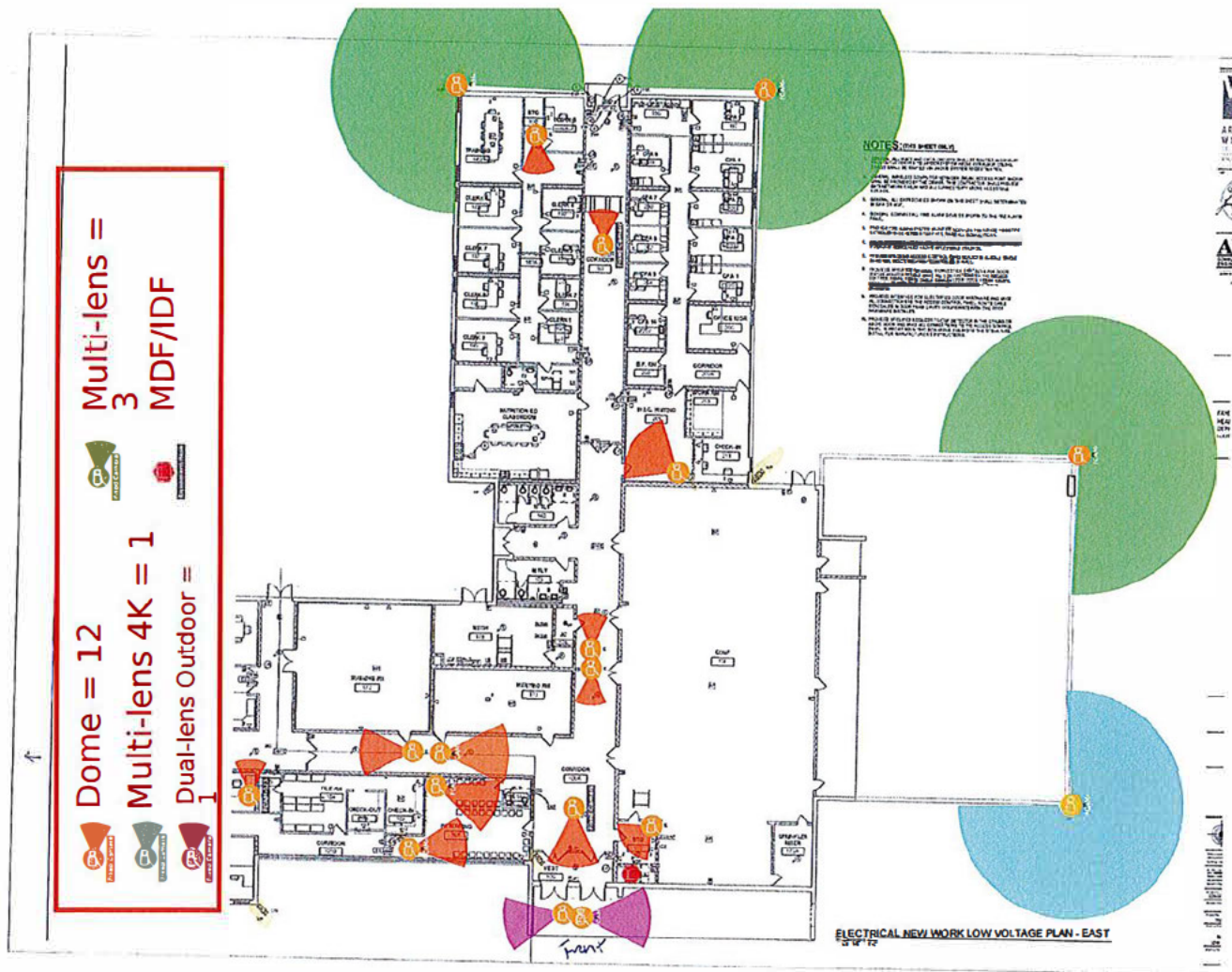


## Health Earth - December 4th, 2023



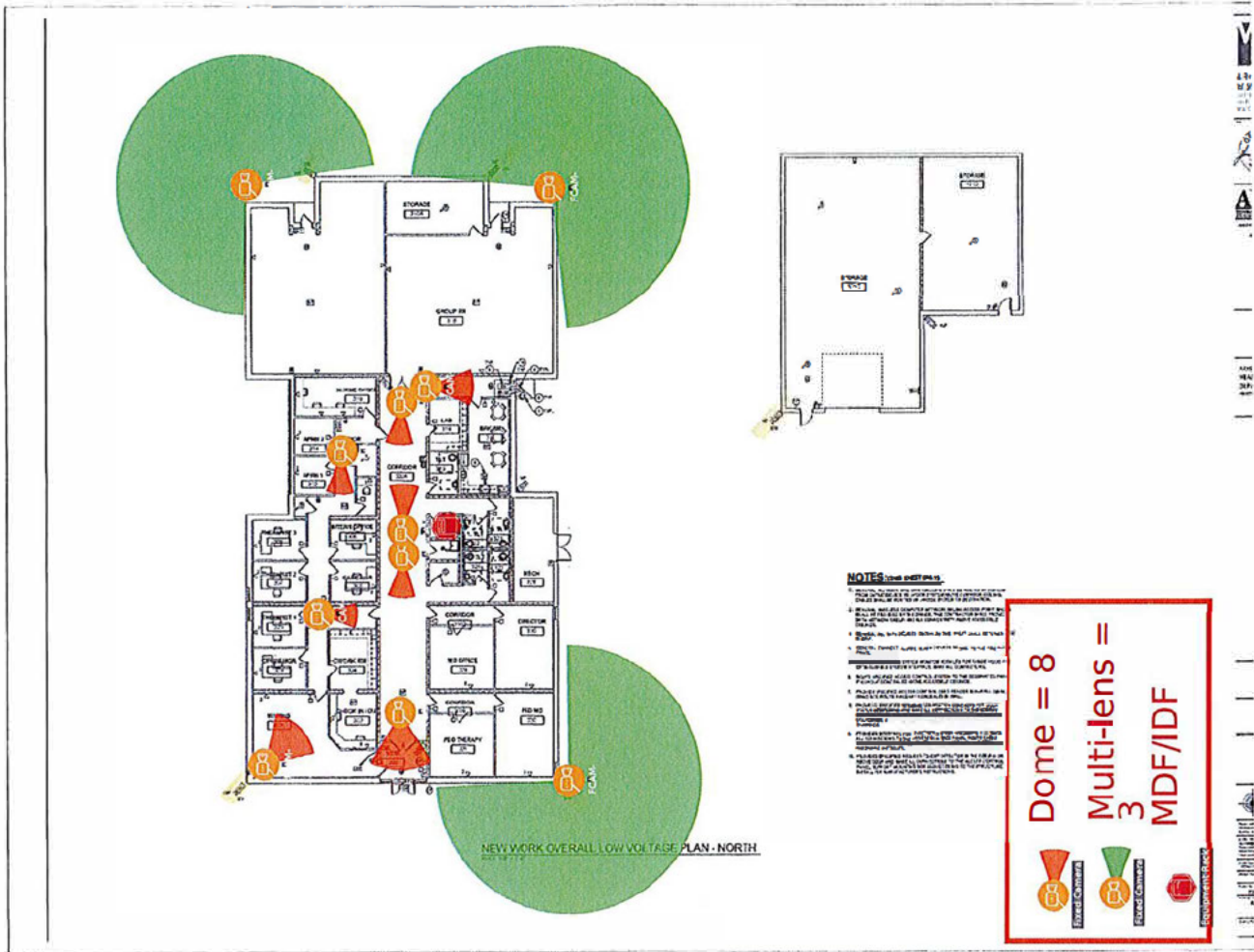


# Health East - December 4th, 2023





# Health North - December 4th, 2023



# Health West - December 4th, 2023



# FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Adapttosolve, Inc.	Contract Number: 2261-S
Mailing Address: 111 Airport Parkway	Contract Description or Title: Elections Building Cameras
City, St, Zip Code: LaGrange, GA 30240	Contract Term (Dates) From: May 2023
Phone Number: 706-298-2734	Task Order Number: n/a
Cell Number: N/A	Other Reference: for award of contract 2379-S
E-Mail Address: <a href="mailto:mblack@adapttosolve.com">mblack@adapttosolve.com</a>	

## DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

## EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

## EVALUATED BY

Signature: <i>Matt Bergen</i>	Date of Evaluation: 2/1/2024
Print Name: Matt Bergen	Department/Division: Environmental Management
Title: Project Manager	Telephone No: 770-305-5320

[illegible][illegible]