

BOARD OF COUNTY COMMISSIONERS

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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

September 26, 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 2nd and 4th Thursday of each month at 5:00 p.m.

OFFICIAL SESSION:

Call to Order

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store with fuel pumps; property located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. (pages 3-75)
2. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone 0.453 acres from A-R to R-45 for the purpose of adding this area to the adjacent parcel; property located in Land Lot 148 of the 7th District and fronts on Palmetto Road. (pages 76-110)
3. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive. (pages 111-168)
4. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-175. - Special Use of Property. (pages 169-182)
5. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-169. - Conditional Use Approval. to add Sec. 110-169, (2)s-1. drug abuse treatment facility as a conditional use in the O-I district. (pages 183-221)
6. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article IV. - District Use Requirements. Sec. 142. - O-I, Office-Institutional District to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to add (1) Reserved. by adding drug abuse facility as a conditional use in the O-I zoning district. (pages 222-241)

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:

7. Approval to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2024, and authorization to adjust and close capital projects, moving remaining funds to project contingency. (pages 242-256)
8. Request to amend the Memorandum of Understanding (MOU) between Fayette County and the US Soccer Federation (USSF) to enhance five soccer fields at McCurry Park South Soccer for the shared use of USSF team training camps and the County. (pages 257-269)
9. Approval of the September 12, 2024 Board of Commissioners Meeting Minutes. (pages 270-276)

OLD BUSINESS:

NEW BUSINESS:

10. Request to approve the lease term acceptance to change the monthly fees for a tower site at Downtown Tyrone for Public Safety Radio System (#1428-P), as outlined in the terms and conditions. (pages 277-283)
11. Request to award Contract #2436-B, Sheriff Watch Office Renovation, to HEC Construction Solutions, LLC in the amount of \$891,038.18 to appoint a General Contractor. (pages 284-292)
12. Request to approve the purchase of office furniture and equipment through the Georgia Statewide Contract for the new Public Health Facility at 245 Booker Avenue, Fayetteville, for a total of \$379,278.06. (pages 293-339)
13. Request to approve Bid #2450-B, Annual Asphalt Contract to C.W. Matthews, Inc. in the not-to-exceed amount of \$342,007.82. (pages 340-344)
14. Request to award Bid #2455-B to the lowest responsive, responsible bidder, Piedmont Paving, Inc, in the amount of \$3,887,451.28 for construction of a multi-use tunnel, retaining walls, and multi-use paths near the intersection of Robinson and Redwine Roads (2017 SPLOST project 17TAI). (pages 345-358)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store with fuel pumps; property located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54.

Background/History/Details:

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements. The property was the subject of a request to rezone from A-R to C-H in 2009. On June 26, 2003, the Board of Commissioners voted 5-0 to deny that request.

The Future Land Use Plan in the Comprehensive Plan indicates Low-Density Residential (1 unit / 1 acre) as the planned use for this area.

On September 5, 2024, the Planning Commission voted 4-0 to recommend DENIAL of the request to rezone from A-R to C-C.

Staff recommends DENIAL of the request to rezone from A-R to C-C because the C-C zoning does not conform with the Future Land Use plan. Should the Board approve this petition, there are 4 (four) conditions recommended by staff. Please refer to the staff report for the recommended conditions, which are related to right of way dedication and sidewalks.

What action are you seeking from the Board of Commissioners?

Denial of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store with fuel pumps; property located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54.

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:

Staff has received a number of letters and emails from residents in the area who are opposed to the request. Those received prior to posting the agenda are included in the agenda package.

PETITION NO: 1353-24

REQUESTED ACTION: Rezone from A-R to C-C

PARCEL NUMBER: 0532 023

PROPOSED USE: Convenience Store with fuel pumps

EXISTING USE: Vacant land

LOCATION: Banks Road and SR 54 East

DISTRICT/LAND LOT(S): 5th District, Land Lot 151

ACREAGE: 4.86 acres

OWNER(S): The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix

APPLICANT(S): Sudesh Dhingra

AGENT(S): Jim Kelly, Agent; Newton Galloway, Attorney

PLANNING COMMISSION PUBLIC HEARING: September 5, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: September 26, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

PLANNING COMMISSION RECOMMENDATION

On September 5, 2024, the Planning Commission voted 4-0 to recommend **DENIAL** of the request to rezone from A-R to C-C.

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 C-C zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of C-C, Community Commercial District.

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

1. Applicant to provide a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond edge of payment for acceleration / deceleration lanes, whichever is greater.
2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be

provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
4. Applicant shall extend existing sidewalk along Banks Road for the length of the property.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a legal lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements.

The property has access on Banks Road and SR 54 East. Georgia DOT will review and approve access engineering & construction plans within their jurisdiction. Please refer to GDOT comments in the Departmental Comments section.

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

B. REZONING HISTORY:

The property was the subject of a rezoning application in 2003 (Petition No. 1109-03). The owner(s) requested to rezone from A-R to C-H. The Planning Commission recommended a rezoning to R-40 rather than C-H, as that was in alignment with the Future Land Use Plan. The Board of Commissioners heard the request to rezone to C-H on June 26, 2003, and voted 5-0 to deny the request.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-20, 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:

Direction	Acreage	Zoning	Use	Comprehensive Plan
Northwest	7.6	R-40	Single Family Residential	Low Density Residential (1 Unit /1 acre)
East (across Hwy 54)	2.0 3.75	R-40 A-R	Single Family Residential	Low Density Residential (1 Unit /1 acre)
Southwest (across Banks Rd)	2.8	R-45	Single Family Residential	Low Density Residential (1 Unit /1 acre)
South (across intersection)	1.1	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 NOT** conform to the Fayette County Comprehensive Plan.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objections to the rezoning.
- ☐ **Public Works**
 - **Road Frontage Right of Way Dedication** -- Banks Road is a **collector road**. Applicant to provide a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond edge of payment for acceleration / deceleration lanes, whichever is greater. Please refer to the Fayette County detail "Typical Decel Lane". SR 54 is a state route and GDOT controls right of way along the existing frontage.
 - **Traffic Data** -- According to the GDOT on-line traffic data, the annual average daily traffic for SR 54 is **16,660 vehicles per day (2023)**. Banks Road traffic data by Fayette County Public Works was **12,751 vehicles per day (2022)**.
 - **Sight Distance and access** -- Minimum sight distances will have to be satisfied for the proposed new road intersection on Banks Road. GDOT will provide access to SR 54 and sight distance requirements.
 - **GDOT Comments** -- The GDOT right way stops just beyond the radius of Banks Road; however, an access on Banks Road should be a minimum of 200' from the radius return of SR 54 and an access on SR 54 should be a minimum of 350' from the radius return of Banks Road. *Stanford Taylor*
- ☐ **Environmental Management**
 - **Floodplain Management** -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008, or in 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** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
 - **Landscape and Tree Replacement Plan** -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- ☐ **Environmental Health Department** – This office has no objection to the rezoning. This does not constitute approval or agreeance of usable soils for septic purposes.
- ☐ **Fire** – No objections to the requested rezoning.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal might adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that a commercial use would generate a greater number of daily vehicle trips than would a residential use situated on this same parcel. Staff does not think this development will have an adverse impact on utilities or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-143. C-C, Community Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- (b) *Permitted uses.* The following uses shall be permitted in the C-C zoning district:
 - (1) Amusement or recreational facility, indoor or outdoor (see chapter 18);
 - (2) Appliance sales and incidental repair;
 - (3) Art studio;
 - (4) Auto parts and/or tire sales and installation;
 - (5) Bakery;
 - (6) Bank and/or financial institution;
 - (7) Banquet hall/event facility;
 - (8) Catering service;

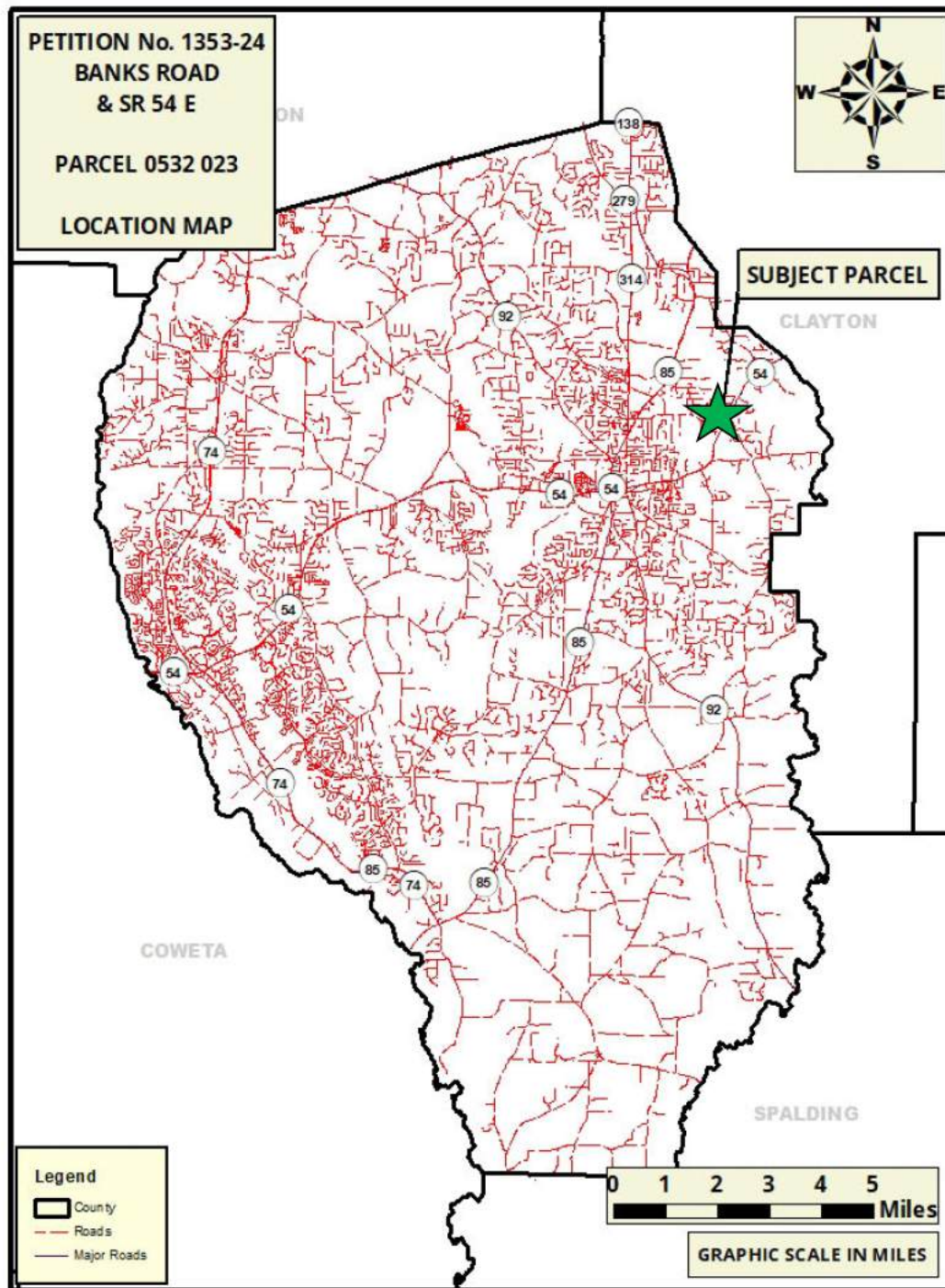
- (9) Church and/or other place of worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (10) College and/or university, including classrooms and/or administration only;
- (11) Copy shop;
- (12) Cultural facility;
- (13) Day spa;
- (14) Department store, variety store, and/or clothing store;
- (15) Drug store;
- (16) Educational/instructional/tutoring facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI school, martial arts, music, professional/business/trade, and similar facilities;
- (17) Electronic sales and incidental repair;
- (18) Emission testing facility (inside only);
- (19) Firearm sales and/or gunsmith;
- (20) Florist;
- (21) Gift shop;
- (22) Grocery store;
- (23) Hardware store;
- (24) Health club and/or fitness center;
- (25) Jewelry shop;
- (26) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (27) Library;
- (28) Medical/dental office (human treatment);
- (29) Messenger/courier service;
- (30) Military recruiting office;
- (31) Movie theatre (excluding drive-in);
- (32) Museum;
- (33) Office;
- (34) Office equipment sales and/or service;
- (35) Parking garage/lot;
- (36) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon.
- (37) Plant nursery, growing crops/garden, and related sales;
- (38) Printing, graphics, and/or reproductions;
- (39) Private clubs and/or lodges;

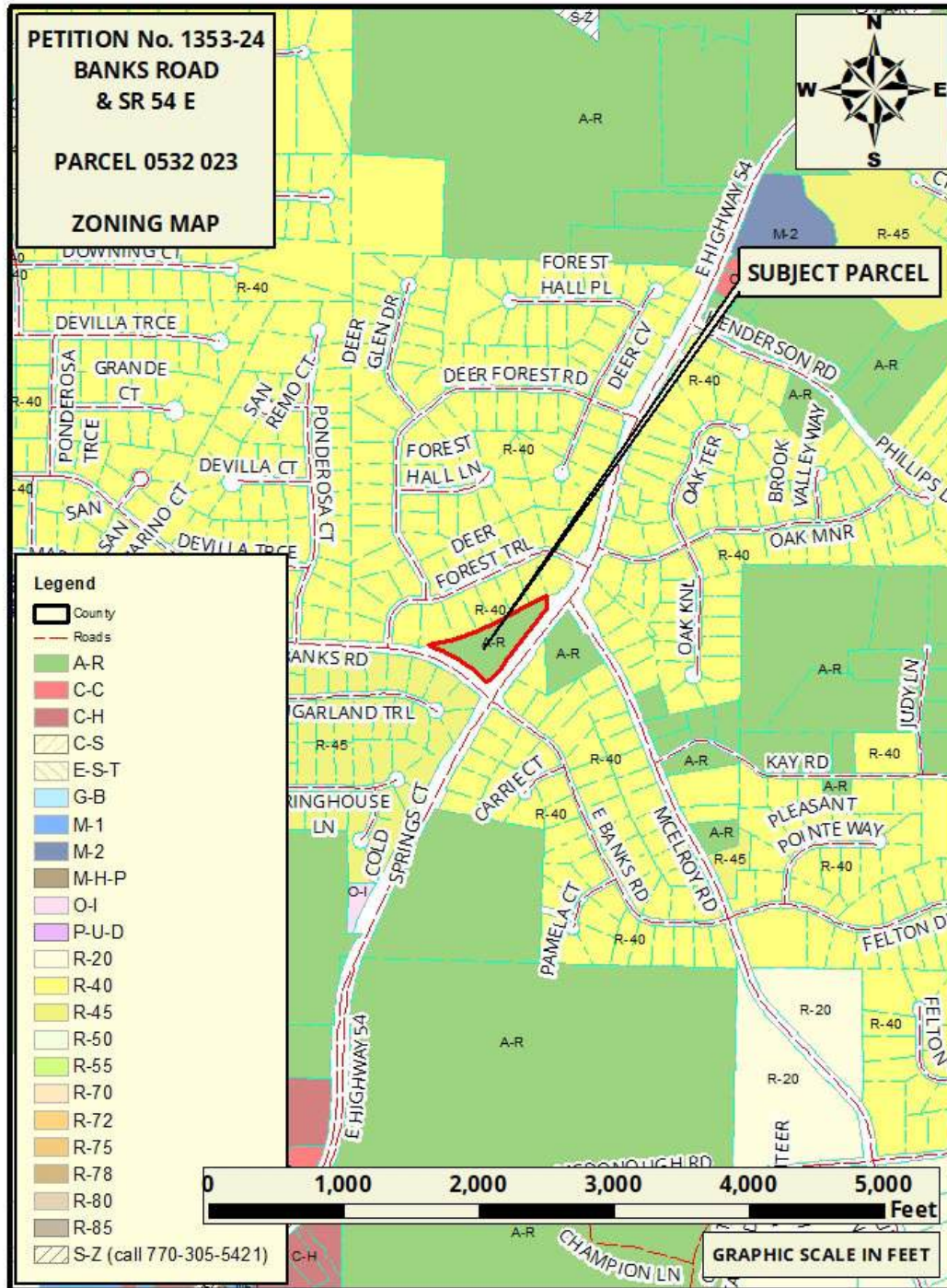
- (40) Private school, including, classrooms and/or administration only;
 - (41) Radio studio;
 - (42) Recording studio (audio and video);
 - (43) Restaurant, (including drive-in and/or drive-through);
 - (44) Retail establishment;
 - (45) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (46) Taxidermist; and
 - (47) Television/movie studio.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-C zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (3) Automobile service station, including, gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (4) Care home, convalescent center, and/or nursing home;
 - (5) Church and/or other place of worship;
 - (6) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (7) Commercial driving range and related accessories;
 - (8) Child care facility;
 - (9) Dry cleaning plant;
 - (10) Golf course (minimum 18-hole regulation) and related accessories;
 - (11) Home occupation;
 - (12) Hospital;
 - (13) Kennel (see animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic);
 - (14) Laundromat, self-service or otherwise;
 - (15) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (16) Religious tent meeting;
 - (17) Seasonal sales, outdoor;
 - (18) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and
 - (19) Temporary tent sales.
 - (20) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-C zoning district shall be as follows:

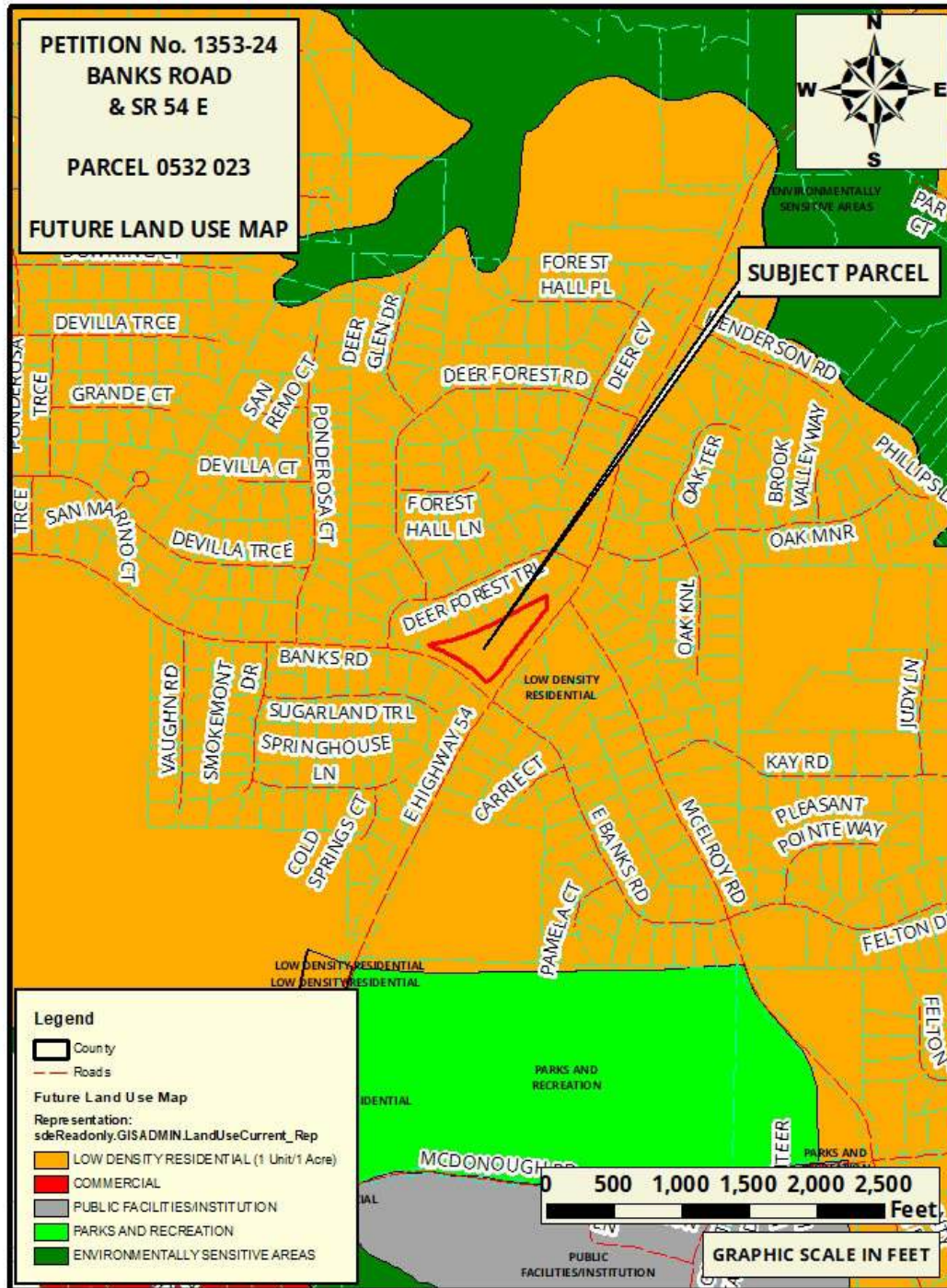
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
 - (7) Height limit: 35 feet.
 - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (Code 1992, § 20-6-19; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, § 4, 10-25-2018; Ord. No. 2021-09, § 2, 5-27-2021)

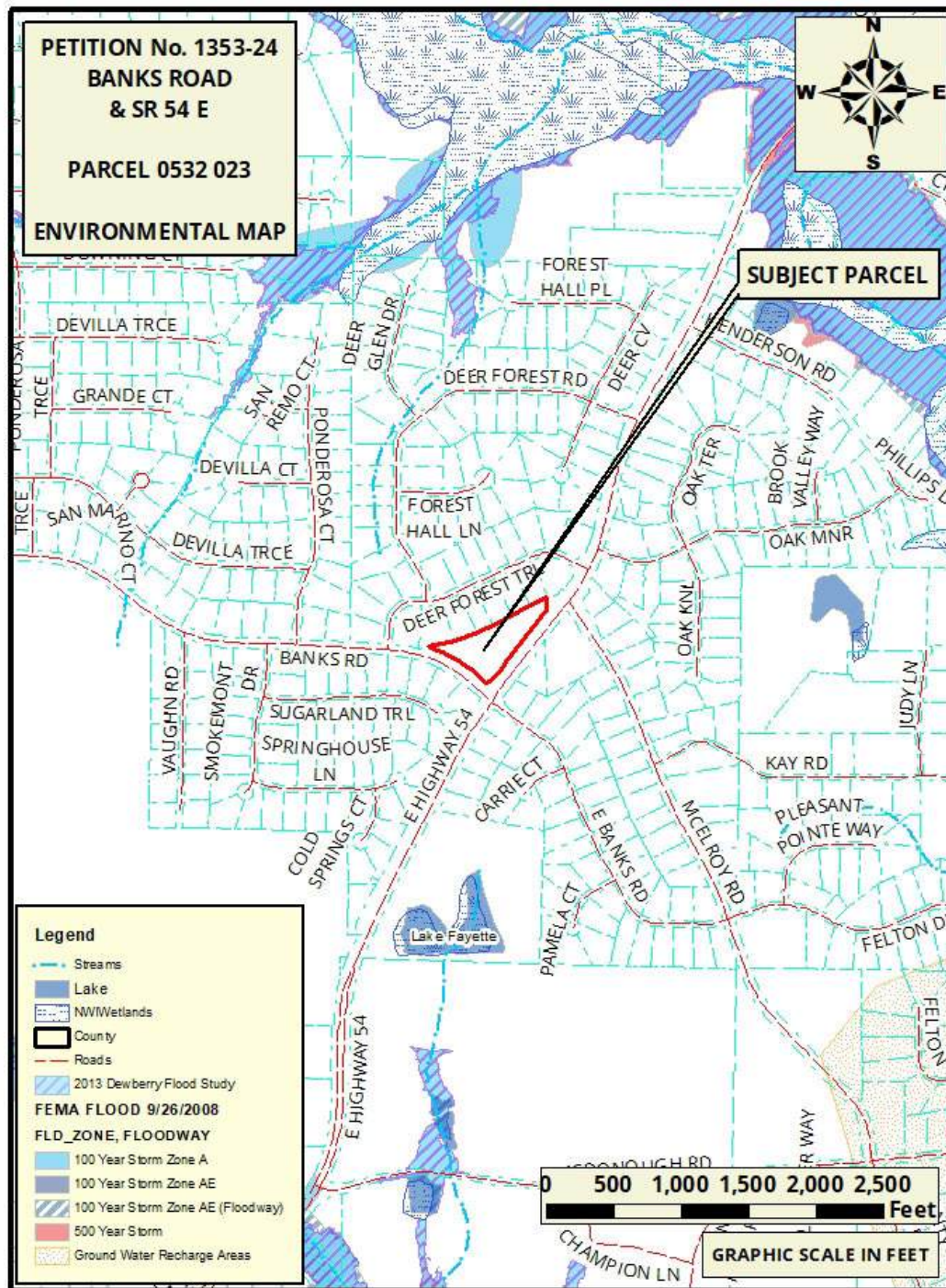
Sec. 110-169. Conditional use approval.

- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
 - 1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 - 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 - 3. A dynamometer shall not be utilized in conjunction with outside emission testing.















SITE CONCEPT

Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 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 *[absent]*
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because is it an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

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

**_____
DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION No (s): _____

STAFF USE ONLY

APPLICANT INFORMATION

Name Sudesh Dhingra
 Address 535 Birkdale Dr.
 City Fayetteville
 State GA Zip 30215
 Email [REDACTED]
 Phone (678) 381-4131

AGENT(S) (if applicable)

Name Newton Galloway - Attorney
 Address 406 N Hill St
 City Griffin
 State GA Zip 30223
 Email ngalloway@gallyn-law.com
 Phone (770) 233-6230

PROPERTY OWNER INFORMATION

Name The Estate of Richard N Cates / Denise Mercer
 Address 25 Pineview Dr.
 City Sharpsburg
 State GA Zip 30277
 Email [REDACTED]
 Phone (404) 597-2793

Name Jim Kelly - TrueMark Realty
 Address 106 Brookgrove LN
 City Peachtree City
 State GA Zip 30269
 Email jkelly@TrueMarkRealty.com
 Phone (404) 380-1289

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

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

Date Paid: _____ Receipt Number: _____

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0532 023 Acreage: 4.86
 Land District(s): 5th Land Lot(s): 151
 Road Name/Frontage L.F.: GA Hwy 54 / 486.75' Road Classification: Median State Highway
 Existing Use: Vacant Land Proposed Use: Convenience Store
 Structure(s): None Type: N/A Size in SF: N/A
 Existing Zoning: A-R Proposed Zoning: C-C
 Existing Land Use: Vacant Land Proposed Land Use: Retail/C-Store
 Water Availability: Yes Distance to Water Line: 0' Distance to Hydrant: 0'

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:

The Estate of Richard N Cates / Denise Mercer (Executrix)

(Please Print)

Property Tax Identification Number(s) of Subject Property: 05-32-023

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 151 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 4.86 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) Carol Denise Cates Mercer Janet O Hawk

Signature of Property Owner 1

Signature of Notary Public

25 Pineview Dr., Sharpsburg, GA 30277

July 8th, 2024

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

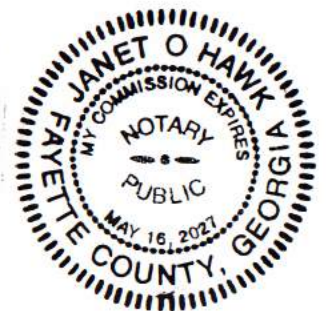
106 BRIDGEMORE LN, PEACHTREE CITY

07/08/2024

Address

GA 30269

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: The Estate of Richard N Cates / Denise Mercer (Executrix)ADDRESS: 25 Pineview Dr., Sharpsburg, GA 30277

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

Denise Mercer (Executrix) affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to C-C.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or☐ Legal description for subject property is as follows:PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of Thursday, September 5th, 20 24 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of Thursday, September 26th, 20 24 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF July, 20 24Carol Denise Cates Mercer

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

Janet Hawk

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, The Estate of Richard N Cates, 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 Hwy 54 & Banks RD as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 8th day of July, 2024.

Carol Denise Cates Mercer

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



Janet O Hawk

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 8th day of July, 2024
[Signature]

APPLICANT'S SIGNATURE



Developments of Regional Impact - Tiers and Development Thresholds

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

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DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: ☒ 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:
 - X 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.
 - X 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.
 - X 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.
 - N/A 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.
 - X e. Minimum zoning setbacks and buffers, as applicable.
 - X 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.
 - X g. Location and dimensions of exits/entrances to the subject property.
 - X h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
 - X 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).

BANKS ROAD & HIGHWAY 54

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 151 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE RIGHT OF WAY MARKER FOUND AT THE SOUTHERN MOST MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD (R/W VARIES) AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54 (R/W VARIES); THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD THE FOLLOWING CALLS: N 47°18'17" W 49.47' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 316.22', WITH A RADIUS OF 1164.94', WITH A CHORD BEARING OF N 55°04'52" W , WITH A CHORD LENGTH OF 315.25' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.23', WITH A RADIUS OF 861.08', WITH A CHORD BEARING OF N 67°05'25" W , WITH A CHORD LENGTH OF 127.11' TO A POINT; THENCE S 18°59'40" W 10.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.28', WITH A RADIUS OF 920.85', WITH A CHORD BEARING OF N 74°41'07" W , WITH A CHORD LENGTH OF 118.20' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY N 79°00'41" E 53.99' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 79°07'20" E 239.86' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 71°22'23" E 180.00' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 67°03'28" E 150.11' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 64°19'36" E 160.03' TO A 5/8" REBAR FOUND; THENCE N 62°58'25" E 150.14' TO A 5/8" REBAR FOUND; THENCE N 62°57'59" E 50.17' TO A 5/8" REBAR FOUND; THENCE N 69°40'15" E 56.90' TO A 1/2" REBAR FOUND; THENCE S 00°40'56" E 95.05' TO A 1/2" REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID RIGHT OF WAY S 37°35'41" W 486.75' TO A CONCRETE RIGHT OF WAY MARKER FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 175.69', WITH A RADIUS OF 8662.72', WITH A CHORD BEARING OF S 37°00'49" W , WITH A CHORD LENGTH OF 175.68' TO A CONCRETE RIGHT OF WAY MARKER FOUND AT THE NORTHERN MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID MITER S 69°29'50" W 45.47' TO A CONCRETE RIGHT OF WAY MARKER FOUND, WHICH IS THE POINT OF BEGINNING.

HAVING AN AREA OF 211591.08 SQUARE FEET, OR 4.86 ACRES.

IN THE PROBATE COURT
COUNTY OF COWETA
STATE OF GEORGIA

Doc ID: 009604670001 Type: CERT
Recorded: 03/12/2015 at 10:00:00 AM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4290** PG **736**

IN RE: ESTATE OF

DIANA COUTU CATES,

DECEASED

ESTATE NO. 2014-4306

CERTIFICATE OF ORDER OF YEAR'S SUPPORT
(Pursuant to O.C.G.A. §53-3-11)

DATE ORDER GRANTED: February 20, 2015GRANTOR: (NAME OF DECEDENT) Diana Coutu Cates

GRANTEE: (FULL NAME OF EACH PERSON AWARDED YEAR'S SUPPORT. The
surviving spouse and/or minor children)
Spouse only, Richard Cates

ADDRESS OF GRANTEE: 190 Mapledale Trail, Sharpsburg GA 30277

LEGAL DESCRIPTION OF REAL PROPERTY AND INTEREST THEREIN Fayette County,
State of Georgia lying and being in **Land Lot 151 of the Fifth Land District of Fayette
County**, Georgia, being approximately 5.199 acres more or less located at the northwesterly
corner of Highway 54 East and Banks Road being part and parcel of that same tract and parcel
described by deed in Deed Book 1106 at Page 411 as recorded in the Office Clerk of Superior
Court for Fayette County, Georgia. Said tract is also identified by the Tax Assessor for Fayette
County as Tax parcel ID 0532 023

Also land in Coweta County

Original Certificate delivered or mailed to Clerk of Superior Court of Fayette
County on February 20, 2015.

Certificate prepared by:

State Bar # 683120

SIGNATURE OF ATTORNEY

I do hereby certify that the above information is based on the order of the Probate Court
issued on the date set out above and that the above information is true and correct.

By: Sheila Studdard, Clerk of Superior Court, 80 Court Square, Newnan, GA 30263
Clerk/Deputy Clerk of the Probate Court, Probate Court Return Mailing Address



GPCSF 10

Eff. July 2013

REZONING APPLICATION _____

Estate of Richard N. Cates, Deceased, Owner
Sudesh Dhingra, Applicant
A-R to C-C
4.86 acres
Tracts 0532 023
Georgia Highway 54/Banks Road

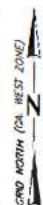
LETTER OF INTENT

Mr. Sudesh Dhingra ("Applicant") submits this Letter of Intent in support of the above-styled Rezoning Application (the "Application") in compliance with the Fayette County, Georgia Zoning Ordinance (the "Zoning Ordinance"), Section 110-296 seeking rezoning of certain real property located at the northeast corner of the intersection of Georgia Highway 54 and Banks Road, consisting of 4.86 acres located in the 5th Land District, Land Lot 151, and identified as parcel number: 0532 023, according to the current system of numbering used by the Fayette County Tax Assessor (the "Subject Property") from Agricultural-Residential District (A-R) to Community-Commercial District (C-C).

The proposed development will consist of an approximate 6,600 square feet retail building located on a 2-acre portion of the Subject Property for the operation of a convenience store with gasoline service.

The proposed development on the Subject Property is not permitted in A-R zoning. C-C zoning, as requested, is intended for convenient community shopping and allows a wide variety of stores and services. This includes most retail stores expected in a community based shopping center like grocery stores, restaurants, and clothing stores. There are also a number of professional service uses allowed such as banks, medical and dental offices, and dry cleaners. The zoning district allows for some other uses with a conditional permit process, such car washes, gas stations, and childcare facilities. A site plan showing the proposed improvements on the Subject Property and concept buildings renderings are included with the Application and show the compatibility of the development with the surrounding community.

Pursuant to Zoning Ordinance, Section 110-143(C)(3), the proposed development is permitted in the C-C zoning district as a conditional use. Upon rezoning, conditional use approval is governed by Zoning Ordinance, Section 110-169(2)(h), subject to approval of the zoning administrator upon compliance with the requirements of the conditional use.



ZONING

A-R (PER FAYETTE COUNTY GS MAP)

FRONT SETBACK - 100 FEET
REAR SETBACK - 75 FEET
SIDE SETBACK - 50 FEET

** ALL ZONING INFORMATION TO BE
VERIFIED WITH THE CITY OR COUNTY **

CLOSURE NOTE

THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS A CLOSURE OF 1 FOOT IN 28,000 FEET, AN ANGULAR ERROR OF ONE SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 145,000 FEET. A TRIMBLE TOTAL STATION AND REIDIN DATA COLLECTOR WERE USED TO OBTAIN THE INFORMATION USED TO PREPARE THIS PLAN.

FLOOD NOTE

I HAVE EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY
OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD
HAZARDS. WITHOUT AN ELEVATION CERTIFICATE, SURVEYOR IS NOT RESPONSIBLE
FOR ANY DAMAGE DUE TO SAID OPINION.
MAP NUMBER: 1311302105C REISED DATE: 08/28/08

NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES OF RECORD MAY EXIST BUT MAY NOT BE SHOWN BY THIS SURVEY; THIS PLAT IS SUBJECT TO ANY FINDINGS THAT A TITLE REPORT MAY DISCLOSE.

2. ONLY VISIBLE UTILITIES SHOWN.

BOUNDARY SURVEY FOR:
DANKS ROAD & GA. STATE ROUTE 54 (TAX PARCEL #0532 022)

RICHARD CATES

DB 1214, PG 424

AREA
211591.08 SQ. FT.
4.86 ACRES

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF

INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH COMPLY WITH THE RULES AND REGULATIONS ARE SEALED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LEGAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLEES WITH THE MINIMUM PRELIMINARY REQUIREMENTS AS SET FORTH IN SECTION 6-8.7 OF THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.G.C.A. SECTIONS 15-6-67.


 DIGITALLY SIGNED ON 11/2
 JEFFREY D. SMITH DATE

REFERENCES

1. DB 1106 PG 411 (R/W DELO)
2. DB 4210 PG 585 (R/W DELO)

WIDE OPEN
LAND SURVEYING LLC

52 CURETON LANE
MCPHERLAND, GA 30259
678-633-5685
WWW.WIDEOPENLANDSURVEYING.COM
JOB #2868

FIELD DATE:	11/22/23
PLAT DATE:	11/24/23
SCALE:	1"=60'
COUNTY:	FAYETTE
DISTRICT:	5TH
LAND LOT:	151

CONCEPT PLAN

UNLIMITED CONCEPT PLAN
BANKS ROAD CORNER STORE
100

SITE PLAN NOTES

1. CONSTRUCTION NOTES:
BANKS ROAD CORNER STORE, LLC
100 S. BANKS ROAD, SUITE 100
CUMMINGS, GA 30041
PHONE: 770.555.1000
WWW.BANKSCORNERSTORE.COM
2. SITE PLAN NOTES:
UNLIMITED PLANNING, LLC
200 W. BROADWAY, SUITE 200
ATLANTA, GA 30333
PHONE: 404.525.1000
WWW.UNLIMITEDPLANNING.COM
3. SITE PLAN NOTES:
BANKS ROAD CORNER STORE, LLC
100 S. BANKS ROAD, SUITE 100
CUMMINGS, GA 30041
PHONE: 770.555.1000
WWW.BANKSCORNERSTORE.COM
4. SITE PLAN NOTES:
BANKS ROAD CORNER STORE, LLC
100 S. BANKS ROAD, SUITE 100
CUMMINGS, GA 30041
PHONE: 770.555.1000
WWW.BANKSCORNERSTORE.COM
5. SITE PLAN NOTES:
BANKS ROAD CORNER STORE, LLC
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6. SITE PLAN NOTES:
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7. SITE PLAN NOTES:
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WWW.BANKSCORNERSTORE.COM
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WWW.BANKSCORNERSTORE.COM
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WWW.BANKSCORNERSTORE.COM
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WWW.BANKSCORNERSTORE.COM
11. SITE PLAN NOTES:
BANKS ROAD CORNER STORE, LLC
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CUMMINGS, GA 30041
PHONE: 770.555.1000
WWW.BANKSCORNERSTORE.COM
12. SITE PLAN NOTES:
BANKS ROAD CORNER STORE, LLC
100 S. BANKS ROAD, SUITE 100
CUMMINGS, GA 30041
PHONE: 770.555.1000
WWW.BANKSCORNERSTORE.COM

- SITE PLAN LEGEND:**
- 1. PROPOSED LOT LINES (DOTTED LINE)
 - 2. PROPOSED LOT LINES (DOTTED LINE)
 - 3. PROPOSED LOT LINES (DOTTED LINE)
 - 4. PROPOSED LOT LINES (DOTTED LINE)
 - 5. PROPOSED LOT LINES (DOTTED LINE)
 - 6. PROPOSED LOT LINES (DOTTED LINE)
 - 7. PROPOSED LOT LINES (DOTTED LINE)
 - 8. PROPOSED LOT LINES (DOTTED LINE)
 - 9. PROPOSED LOT LINES (DOTTED LINE)
 - 10. PROPOSED LOT LINES (DOTTED LINE)
 - 11. PROPOSED LOT LINES (DOTTED LINE)
 - 12. PROPOSED LOT LINES (DOTTED LINE)



REZONING APPLICATION _____

Estate of Richard N. Cates, Deceased, Owner
Sudesh Dhingra, Contract Purchaser/Applicant
A-R to C-C
4.86 acres
Tracts 0532 023
Georgia Highway 54/Banks Road

CONSTITUTIONAL OBJECTION TO RESTRICTIONS IN THE
ZONING ORDINANCE OF FAYETTE COUNTY, GEORGIA

As applied to the following property:

Tax Parcel No.: 0532 023; 4.86 acres
Estate of Richard N. Cates, Owner
Sudesh Dhingra, Contract Purchaser/Applicant

located in unincorporated Fayette County, Georgia and as identified pursuant to the current parcel number assigned by the Fayette County Tax Assessor (the “Subject Property”), being zoned Agricultural-Residential (A-R), subject of the above-referenced Rezoning Application, the Fayette County, Georgia Zoning Ordinance (“Zoning Ordinance”) is unconstitutional in that the Owner’s and Contract Purchaser’s (cumulatively, “Applicants”) property rights in and to the Subject Property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance deprives the Applicants of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the Subject Property in violation of the

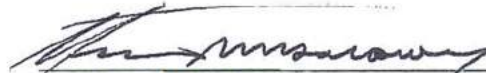
Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the Applicants an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicants to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by Fayette County, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance to the Subject Property is unconstitutional and discriminates against the Applicants in an arbitrary, capricious, and unreasonable manner between the Applicants and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, Applicants request that Fayette County, Georgia approve this Rezoning Application and rezone the Subject Property to Community Commercial (C-C) as specified and requested herein.

GALLOWAY & LYNDALL, LLP
Counsel for Applicants

A handwritten signature in black ink, appearing to read "Newton M. Galloway", is written over a horizontal line.

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
(770) 233-6230
ngalloway@gallyn-law.com

REZONING APPLICATION _____

Estate of Richard N. Cates, Deceased, Owner
Sudesh Dhingra, Applicant
A-R to C-C
4.86 acres
Tracts 0532 023
Georgia Highway 54/Banks Road

EVIDENTIARY OBJECTIONS TO ZONING HEARING BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the following property:

Tax Parcel No.: 0532 023; 4.86 acres
Estate of Richard N. Cates, Owner
Sudesh Dhingra, Contract Purchaser/Applicant

located in unincorporated Fayette County, Georgia and as identified pursuant to the current parcel number assigned by the Fayette County Tax Assessor (the “Subject Property”), being zoned Agricultural-Residential (A-R), subject of the above-referenced Rezoning Application, Applicants give notice of the following evidentiary objections based on *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018):

Simultaneously herewith, Applicants filed a Constitutional Objection to the denial of the above referenced Application which is incorporated herein by reference as if fully set forth.

Applicants object to comments provided by any and all members of the public presented before the Board of Commissioners of Fayette County, Georgia (“BOC”) in opposition to the Rezoning Application to the extent that (but not limited to) such individuals lack standing to challenge the Rezoning Application because they: (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) lack sufficient training or expertise to present evidence on and/or make statements that would otherwise require presentation by witness(es) constituting expert opinion without such individuals being

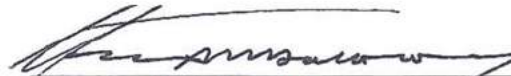
qualified as experts; (e) present evidence on and/or make statements that are irrelevant and/or immaterial to the factors for approval of rezoning under the Zoning Ordinance; and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion and hearsay evidence.

Additionally, Applicants object to any action of the BOC that does not approve the Rezoning Application or approves rezoning subject to unreasonable conditions to the extent that (but not limited to) the same are: (a) in violation of O.C.G.A. § 50-13-19(h); (b) in violation of constitutional, statutory or ordinance provisions; (c) in excess of the statutory or constitutional authority of either the BOC; (d) made upon unlawful procedure; (e) affected by other error of law; (f) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (g) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (h) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (i) contrary to the exclusive factors for approval of a variance set forth in the Zoning Ordinance.

By and through this *York* Objection, Applicants preserve all the above and incorporated Objections and assert them on and within the record before, and for consideration and resolution by, the BOC of Fayette County, Georgia.

WHEREFORE, Applicants request that Fayette County, Georgia approve the Rezoning Application set forth above.

GALLOWAY & LYNDALL, LLP.
Counsel for Applicants

A handwritten signature in black ink, appearing to read "Newton M. Galloway", written over a horizontal line.

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill St.
Griffin, GA 30223
(770) 233-6230
ngalloway@gallyn-law.com

Wednesday, August 14, 2024

Fayette County News B3

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, September 5, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, September 26, 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.: 1353-24

Owner/Agent: The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; Jim Kelly, Agent; Newton Galloway - Attorney
Existing Zoning District: A-R
Proposed Zoning District: C-C

Parcel Number: 0532 023

Area of Property: 4.86 acres

Proposed Use: Commercial

Land Lot(s)/District: Land lot 151 of the 5th District

Fronts on: Banks Road and Highway 54

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 151 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE RIGHT OF WAY MARKER FOUND AT THE SOUTHERN MOST MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD (R/W VARIES) AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54 (R/W VARIES); THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD THE FOLLOWING CALLS: N 47° 0' 18" 17" W 49.47' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 316.22', WITH A RADIUS OF 1164.94', WITH A CHORD BEARING OF N 55° 00' 45" 52" W, WITH A CHORD LENGTH OF 315.25' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.23', WITH A RADIUS OF 861.08', WITH A CHORD BEARING OF N 67° 00' 52" 25" W, WITH A CHORD LENGTH OF 127.11' TO A POINT; THENCE S 18° 05' 59" 40" W 10.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.28', WITH A RADIUS OF 920.85', WITH A CHORD BEARING OF N 74° 04' 10" 07" 1 W, WITH A CHORD LENGTH

OF 118.20' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY N 79° 00' 41" 1 E 53.99' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 79° 00' 20" E 239.86' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 71° 02' 23" 1 E 180.00' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 67° 00' 32" 28" E 150.11' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 64° 19' 13" 36" E 160.03' TO A 5/8" REBAR FOUND; THENCE N 62° 05' 57" 59" E 50.17' TO A 5/8" REBAR FOUND; THENCE N 69° 04' 15" 1 E 56.96' TO A 1/2" REBAR FOUND; THENCE S 00° 40' 56" E 95.05' TO A 1/2" REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID RIGHT OF WAY S 37° 00' 41" 1 W 486.75' TO A CONCRETE RIGHT OF WAY MARKER FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 175.69', WITH A RADIUS OF 8662.72', WITH A CHORD BEARING OF S 37° 00' 49" W, WITH A CHORD LENGTH OF 175.68' TO A CONCRETE RIGHT OF WAY MARKER FOUND AT THE NORTHERN MITERED CORNER OF THE

NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID MITER S 69° 02' 50" W 45.47' TO A CONCRETE RIGHT OF WAY MARKER FOUND, WHICH IS THE POINT OF BEGINNING.

HAVING AN AREA OF 211591.08 SQUARE FEET, OR 4.86 ACRES.

08/14

OPPOSITION LETTER TO RE-ZONING REQUEST, PETITION 1353-24 HWY 54 & BANKS RD

Arnold L. Martin, III
130 Deer Glen Drive
Fayetteville, GA 30214

August 29, 2024,

Dear Planning Commissioners;

My name is Arnold Martin and my family has resided on Deer Glen Drive, within the Deer Glen Forest subdivision for 26 years. Our community is filled with almost one hundred families, ranging from being brand new residents to those who have resided for over 40 years. Our community shares the border at the back of this land.

This letter is to represent the Deer Glen Forest residents' opposition to the re-zoning request of the 4.86 acres from A-R to C-C , for the development of a convenience store at the corner of Banks Rd and Hwy 54 in Fayetteville.

We oppose this request, because a convenience store, at this location, among many reasons would be harmful and completely disruptive to this residential area and neighborhoods. These additional reasons below are further reasons why we feel that this request should be denied.

- This property has always been zoned A-R and all owners who purchased this land were quite aware of the zoning.
- This request does not meet the Comprehensive and Future Land Use Plan of Fayette County.
- All of the surrounding neighborhoods are zoned for Residential R-40 or R-45
- The Comprehensive Plan/ Land Use Element on page L-11 states the following

Commercial

This category identifies all property where business and trade are conducted, both retail and wholesale, and accessory use areas, such as parking. The Land Use Plan Map seeks to provide necessary commercial activity within a reasonable distance to unincorporated county residents. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. The county should attempt to discourage additional commercial development along major roadways, as strip commercial development is neither desirable from a safety standpoint nor attractive.

- The issues of Traffic and Safety- The traffic light at the corner of Hwy 54 and Banks Road is a continual bottleneck of traffic especially in the morning and evening traffic

- This bottleneck has caused cars to cut through Deer Glen Forest, usually at high rates of speed, of which we have complained to county officials.
- Daily traffic on Hwy 54 is 16,660 and on Banks Road it is 12,751. A convenience store and gas station, trying to handle the traffic of almost 30,000 cars would be an absolute nightmare and total disruption to the quality of life of all neighboring residents
- Crime- We are highly concerned of crime coming to our very safe neighborhoods that has never been there. Convenience Stores and Gas Stations attract crime and criminal element. A recent example is the Circle K being held up at gun point . See the attached article. We don't want this crime coming to our neighborhoods.

In summary, we are asking that you deny this change of zoning request, for all of the reasons I have identified and that this is a residential area that must remain this way. A similar request occurred in 2003 and it was denied 5-0 by the Commissioners. We ask that you do the same.

PLEASE SEE THE ARTICLE ON THE NEXT PAGE

Man demands convenience store's money, walks away with roll of bills, is arrested for robbery

By Ben Nelms - March 21, 2022



Mark F. Miller. Photo/Fayette County Jail.

A Morrow man has been charged with robbery after demanding money from the store clerk at a gas station on Fayetteville's west side. He was detained by officers a short distance from the store while walking along Ga. Highway 54 West.

Fayetteville officers on March 12 were dispatched to a reported robbery at the Circle K gas station on Hwy. 54 West at Ginger Cake Road.

The dispatcher described the alleged suspect as an older white male wearing a blue coat, according to Fayetteville Police Department spokesperson Ann Marie Burdett.

Burdett said a Fayetteville police officer patrolling in the area observed a subject walking eastbound on Hwy. 54 West near Marquis Drive, fitting the description of the alleged suspect.

The officer stopped and detained the subject to conduct a brief investigation. The officer confirmed the subject he detained fit the description of the subject that robbed the Circle K gas station, Burdett added.

"The officer obtained the subject's name and date of birth, a search was conducted and a roll of U.S. currency was found on his person. The subject was identified as Mark F. Miller, 59, of Morrow," Burdett said.

Though Miller said the money was his, the complainant/store clerk told police that Miller demanded money from her, and she gave it to him, Burdett noted.

"Miller was returned to Circle K gas station, and the store clerk identified that he was the offender that robbed Circle K gas station," Burdett said.

Ben Nelms

September 1, 2024

RE: Concerns regarding the rezoning request at the Banks Road/GA Hwy 54 intersection.

Dear Fayette County Planning Commissioners,

My name is Susan Prosser and my husband and I reside in the subdivision/area known as "Ponderosa" located on the north side of Banks Road near the proposed rezoning request. We do not have an HOA, so I am writing on behalf of my family and my neighbors with whom I have spoken, and those that signed the petition (also attached). We all oppose the proposed rezoning of the property located in Land Lot 151 of the 5th District and fronts on Banks Road and GA Hwy 54; (Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix) and the request to rezone the 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

Although our subdivision/neighborhood is not physically adjacent to this property, our neighborhood will be impacted. I know that several neighborhood HOA representatives have reached out and provided, with detailed accounts, their concerns regarding this rezoning. To save time, I will not duplicate/reiterate those concerns here, but will just say, that we, too, agree with those concerns that have been stated/discussed:

- environmental impact;
- noise/light pollution;
- health concerns;
- property values;
- traffic and safety. I will add additional information regarding traffic. Regarding our subdivision, the first entrance (Ponderosa Court) is 3/10 of a mile from the intersection and the second entrance (Ponderosa Trace) is 7/10 of a mile. Traffic along Banks is already heavy and people tend to speed. (I have had cars pass me ignoring the double lines.) When you exit Ponderosa Trace there are "blind spots" which include a curve east of the subdivision entrance and a hill west of the entrance both impacting your sight as you try and get onto Banks Road. This is definitely a safety issue.

Finally, in reading the current Fayette County Land Use Plan, this rezoning would totally go against it. We in the Ponderosa Neighborhood respectfully urge the Commission to adhere to our county's existing land use plan and reject this proposed rezoning.

Thank you for your time,



Susan Prosser
297 DeVilla Trace
Fayetteville, GA 30214

From: [BUTCH PROSSER](#)
To: [Deborah L Bell](#); [Deborah Sims](#)
Subject: Opposition Letter and Signatures Regarding Rezoning of Land at Banks Road and GA Hwy 54 Intersection
Date: Sunday, September 1, 2024 6:47:07 PM
Attachments: [Letter to FC Planning Commission.pdf](#)
[Petition Signatures Ponderosa .pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Dear Ms. Bell and Ms. Sims,

My name is Susan Prosser and my husband and I reside in the subdivision/area known as "Ponderosa" located on the north side of Banks Road. Our neighborhood does not have an HOA, so I am writing on behalf of my family and neighbors with whom I have spoken, and those that signed the petition against the rezoning for the Banks Road/GA Hwy 54 parcel of land.

Attached to this email, please find a letter to the Fayette County Planning Commission explaining our concerns and opposition to the rezoning request for the above mentioned parcel of land. Also attached are signatures of neighbors/residents that signed our petition to oppose this rezoning. Please share this information with the Planning Commission and allow it to be entered into the official record.

Thank you so much,

Susan Prosser

297 DeVilla Trace

Fayetteville, Ga 30214

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
(2) Kimberly Harris	370 Devilla Trce Fayetteville GA 30214
Deborah Hughes	260 Huntcliff Ct Fayetteville GA 30214
Al Haly	275 Huntcliff Ct Fayetteville GA
Elica Sjeda	215 Devilla Trce Fayetteville GA 30214
CAROLYN JACKSON	200 Oak Manor Fayetteville GA 30216
Slater L. Jackson, 1 st	200 Oak Manor Fayetteville, GA 30216
Patrick Hall	370 Devilla Trce Fayetteville - 30214
Diana Martinez	370 Devilla Trce Fayetteville, GA 30214
Darryl Beere	115 Hunters Crt Fayetteville GA
Jose & Mila Gross	105 Grande Ct
Laken Hurst	165 Huntington Ct, Fayetteville, GA 30214
ALEXANDRA TRUXLER	160 Downing Ct. 30214
Jake Acevedo	170 Downing Ct. Fayetteville, GA 30214
Halee Pakosz	170 Downing Ct. Fayetteville, GA 30214
Bob Beasley	155 Downing Ct Fayetteville 30214
Shirley Beasley	155 Downing Ct Fayetteville 30214
Victor A. Ortega	215 Devilla Trce Fayetteville GA 30214
Maria I. Perdomo	215 Devilla Trce Fayetteville GA 30214
Elica S. Ortega	100 San Marino Ct Fayetteville GA 30214
Denzel Felder	100 San Marino Ct Fayetteville GA 30214
DeMun Lewis	130 Hill Chase Ct Fayetteville GA 30214
Charlotte Rodriguez	315 Devilla TRCE Fayetteville GA 30214
Jim Prible	295 Devilla Trace "
Diane Prible	295 Devilla Trace "

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
1 Kyle Howser	105 TAHOE DR. Fayetteville Ga
2 Helen Hickman	115 Hill Chase Ct. Fayetteville
3 Dean Nelson	108 Hill Chase Ct
4 Mary Murdaugh	150 HUNTCIFF CT, Fayetteville GA
5 NEAL MURDAUGH	150 Huntcliff Ct "
6 Alfred Collins	184 Dawns Ct Fay.
7 Zakiyah Lewis	130 Hill Chase Ct
8 Maryellen Hendrick	110 HILL CHASE CT
9 Stacie Huber	100 Hillchase ct.
10 Billy Huber	100 Hill chase Ct
11 Oscar Ortiz	105 hill chase CT
12 Kelly Ortiz	105 hill chase CT
13 Alexander Beran - Pino	110 Huntcliff ct. Fayetteville GA
14. Brandon Beran	110 Huntcliff Ct " "
15. Denise Langley	225 Oxford Lane " "
Jim Salvador	155 KAYLA RR
Faye SALVADOR	155 KAYLA RR
Linda Davis	125 Chandler Way
Donny Murdaugh	150 Huntcliff Ct. Fay.

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

[illegible]

SANDRA LEE QUIRY
140 Sugarland Trail
Fayetteville, GA 30214
(770)460-7690

Fayette County Planning Commission
140 Stonewall Avenue West
Fayetteville, GA
30214

Re: Formal objection to rezoning Petition No. 1353-24 Banks Road and GA 54

August 31, 2024

Dear Commission Members and Staff:

As residents of Smokemont Subdivision we feel compelled to reach out to you. The Banks Road/GA 54 corridor is and has always been agricultural/residential, in accordance with the Comprehensive and Future Land Use Plan of Fayette County. It is comprised of five subdivisions with homes numbering in the hundreds, and custom built homes numbering in the dozens.

We strongly object to a proposal to rezone less than five acres at the corner of Banks Road and GA 54 to allow for a gasoline station and convenience store. Smokemont is the smallest and most humble of the neighborhoods in the corridor, but we are in very close proximity to this parcel. While there are many problems with this petition the related health concerns come top of mind.

Gasoline stations are documented producers of volatile organic compounds that attack by air and runoff. Some of them are heavier than air and would collect in the low lying area of the parcel which abuts homes in Deer Glen Forest. One, benzene, is a known carcinogen which attacks our cells and then our blood. The NIH has determined that there is no safe level of exposure to it. Naturally occurring ethyl benzene is a suspected carcinogen. Tuolene has not been linked to cancer but can damage the brain, heart, muscles and kidneys with repeated exposure. And of course there is carbon monoxide which is a pulmonary threat to us all, and particularly so to sensitive groups.

While the government and industry have tried to mitigate gaseous emissions there is evidence that Stage 1 vapor recovery systems and automobile onboard vapor recovery systems are less than ideal. Stage 1 systems are NOT effective the 99% of the time that the underground tanks are NOT being filled. And automobile OVRs have been shown in recent testing to leak around 88% of the time. Moreover, the virtual certainty of runoffs from refueling assures that these compounds, which dissolve only slightly in water, will be in the ditches, soil, grass and waterways of the surrounding area.

Ladies and gentlemen, I am not a pioneer resident of Smokemont. But in my 34 years here I have enjoyed watching two generations of kids at the bus stops. Won't you help us

SANDRA LEE QUIRY
140 Sugarland Trail
Fayetteville, GA 30214
(770)460-7690

keep this area safe for them and us? We don't need another gas station here. We need peaceful enjoyment of our homes. Please stick to the Comprehensive Plan and vote AGAINST this petition.

Thank you for your consideration.




Sandra Lee Quiry

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
Jandra Sandra Quira	140 Sugarland Trail Fayetteville
Shannon Wood	130 Hillsdale Dr. Fayetteville
Jay Couch	310 Woodgate Dr Fayetteville
Laura G. Perry	100 GRANDE CT, FAYETTEVILLE
David W. Stone	150 Sugarland Trail, Fayetteville
Jay Little	155 SUGARLAND TR FAYETTEVILLE
Nancy Little	155 Sugarland Tr. Fayetteville
Kemigita Norde	180 Sugarland Tr Fayetteville
Roger Norde	180 Sugarland Tr Fayetteville
Bernice Abbott	160 Springhouse Lane Fayetteville
Susan From	297 DeVill TR Fayetteville
Butt From	297 DEVILIA TR FAYETTEVILLE
Barbara Howard	115 Sugarland Tr Fayetteville
Rocky Lewis	105 Cold Springs Ct Fayetteville GA
Jenise Armstrong	130 Pamela Court - Aug. 30 2014
MATT & DEBORAH DUNFEE	120 SPRINGHOUSE LN, FAYETTEVILLE, GA 30214
Claire Barge	130 Springhouse Ln., Fayetteville, GA
Kristin Rust	115 Pamela Ct Fayetteville GA 30214
Brian A. & Jantica Korfman	SR Banks Rd east Fayetteville GA
Hector F PALACIOS	165 Forest Hall Pl Fayetteville GA
Tom Dodd + Terry Dodd	175 Oak Forest TRL Fayetteville, GA
JANET SPECK	155 FOREST HALL LN, FAYETTEVILLE, GA
Katrina + Bobby Dean	140 Smokevent Dr Fayetteville, GA
FRANK & Angelia Blackwell	810 SAN Remo CT. Fayetteville, GA 30214
Frank Blackwell	

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

[illegible]


Darryl A. Hicks, Sr
President – The Oaks of Fayetteville HOA
245 Oak Manor
Fayetteville, GA 30214

Re: Rezoning Request
Banks Road & Highway 54

August 30, 2024

Dear Planning Commissioners,

I am reaching out to you on behalf of the members of our Homeowners Association for The Oaks of Fayetteville. We oppose the rezoning of the property at Banks Road & Highway 54 from A-R to C-C. This property has always been zoned residential, and allowing commercial development, such as a gas station, would have a detrimental impact on our community in the following ways:

- **Traffic and safety:** The addition of a gas station at this location will increase traffic congestion in an already very dangerous intersection. There are many automobile accidents happening there already.
- **Environmental impact:** Gas stations have the potential to cause environmental harm through soil and groundwater contamination, air pollution, and hazardous waste. Given the proposed site's proximity to residential homes and parks, we are deeply concerned about the long-term environmental impact on our community.
- **Property values:** The presence of a gas station can negatively affect property values in the surrounding area. As homeowners, we are concerned about the potential devaluation of our homes, which represents a significant investment for many of us.
- **Noise and Light Pollution:** Gas stations typically operate late into the night or even 24/7, which can introduce unwanted noise and light pollution into the neighborhood, disrupting the quiet residential character of our community.
- **Health Concerns:** The emission of volatile organic compounds (VOCs) and other pollutants associated with gas stations can pose health risks to nearby residents, particularly children, the elderly, and those with pre-existing health conditions.
- **Land Use Plan:** The current land use plan states that this parcel has been designated as residential even back in 2003 when the last request was made by the landowners.

For these reasons, we oppose the rezoning request along with our neighboring HOAs and respectfully urge the Commission to reject it and adhere to the existing Land Use Plan.

Sincerely,

The Oaks for Fayetteville Homeowners Association

The Oaks of Fayette HOA

Rezoning Application Petition: GA Highway 54/Banks Rd for A-R to C-C

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Printed Name	Address	Signature
Darryl Hicks	245 OAK MANOR, FAYETTEVILLE GA	Darryl Hicks
Shirelle Hicks	200 Oak Terrace, Fayetteville	Shirelle Hicks
C. Ann Banks	185 Oak Manor Fayetteville	C. Ann Banks
Slater L. Jackson	200 Oak Manor Fayetteville GA 30214	Slater L. Jackson
Carolyn P. Jackson	200 Oak Manor Fayetteville GA 30214	Carolyn P. Jackson
Hung Nguyen	106 Oak Manor 30214	Hung Nguyen
OSBOURNE WALKER	101 OAK MANOR 30214	Osborne Walker
ACTHEA WALKER	101 OAK MANOR 30214	Acthea Walker
Brian Pierre	105 OAK MANOR	Brian Pierre
Tony Olive	140 OAK MANOR	Tony Olive
JOSEPH BLAWN III	325 PHILLIPS	Joseph Blawn III
ARNIE & EMMA HALE	305 PHILLIPS DR	Arnie & Emma Hale
Meloni Carter	315 Phillips Drive	Meloni Carter
Gymn Carter	315 Ph. Hill Drive	Gymn Carter
Vincent Hicks	125 Brook Valley way	Vincent Hicks
Linda Hicks	185 OAK TER	Linda Hicks
CLIFF BELL	220 OAK MANOR	Cliff Bell

The Oaks of Fayette HOA

Rezoning Application Petition: GA Highway 54/Banks Rd for A-R to C-C

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Printed Name	Address	Signature
Cynthia Guess	155 Oak Knl, Fayetteville, GA 30214	Cynthia Guess
Julian Guess	155 Oak Knl, Fayetteville, GA	Julian Guess
Tom Rustoff	165 Oak Knoll	Tom Rustoff
Edward McNeess	140 Oak Knoll	Edward McNeess
Theresa Stevens	120 Oak Knoll	Theresa Stevens
Sandra Middleton	110 OAK Knoll	Sandra Middleton
Willie Middleton	110 Oak Knoll	Willie Middleton
Olayinka Adewusi	125 Oak Manor	Olayinka Adewusi
Wilbert Warren	240 Oak Manor	Wilbert Warren
Peter Cover	335 Phillips Dr.	Peter Cover
Helin Daniels	120 Brook Valley Way	Helin Daniels
Theophilus Bean	130 Oak Manor	Theophilus Bean
Johnny Phillips	165 Oak Manor	Johnny Phillips
Angela W. Davis	230 Oak Manor	Angela W. Davis

From: [Planning & Zoning](#)
To: [Deborah L Bell](#)
Subject: FW: rezoning
Date: Wednesday, August 28, 2024 12:36:16 PM

From: [REDACTED]
Sent: Wednesday, August 28, 2024 8:32 AM
To: Lee Hearn <lhearn@fayettecountyga.gov>; Planning & Zoning <zoning@fayettecountyga.gov>
Subject: rezoning

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Good morning. My name is Kimberly Hearn and I live at 589 Banks Road East. It is my understanding there will be a meeting on September 5, 2024 regarding rezoning property at the intersection of Hwy 54 and Banks Road East.

I want to express my opposition to the construction of a gas station at the above intersection. My son was hit by a car on this street several years ago. The driver was cutting through the neighborhood. I live half-way down Banks Road East and I can see when people are just cutting through or live here. We've had speed bumps put in place (one was gone for a year, replaced about 2 months ago, and already torn up) and my next-door-neighbor's mailbox has been hit 3 times in the last few months.

I have to pick up trash out of my yard nearly every day.

A gas station will likely lead to congestion at an intersection that already has a long line of traffic at times.

I urge you to not allow the zoning for a gas station.

Thank you.

Kimberly B. Hearn
678-548-1510

From: [Planning & Zoning](#)
To: [Deborah L Bell](#)
Subject: FW: Rezoning of Highway 54 and Banks road.
Date: Tuesday, August 27, 2024 12:43:22 PM

-----Original Message-----

From: Charles Wicker [REDACTED]
Sent: Tuesday, August 27, 2024 11:58 AM
To: Planning & Zoning <zoning@fayettecountyga.gov>
Subject: Rezoning of Highway 54 and Banks road.

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Good morning Ms. Bell.

My name is Charles Wicker and I am a member and resident of the Wellington Place neighborhood.

I want to start by thanking you for serving as Fayette County's Planning and Zoning Director and also that I am praying for you as well as all of our other elected officials.

I am contacting you today to express my concern and strong objection to the proposed plan to rezone the property on the corner of Highway 54 and Banks Road from Agricultural/Residential to Commercial with the purpose of constructing a gas station.

As a Father of 4 very young children I am very concerned for the safety of my family and absolutely do not want the extra traffic, auto accidents, light and noise pollution or potential crime to jeopardize my young family.

We also have 2 gas station's within 2 miles in either direction from my home, simply put we do not need another gas station in this location.

Thank you for your time and consideration Ms. Bell.

Charles Wicker.

From: [Griffin Root](#)
To: [Deborah L Bell](#); [Deborah Sims](#)
Subject: Opposition Letter to Zoning Request at Hwy 54 and Banks Road in Fayetteville - WPHOA
Date: Friday, August 30, 2024 2:22:04 PM
Attachments: [WPHOA - Planning commission letter 30AUG24.pdf](#)

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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Good afternoon Ms. Bell and Ms. Sims;

Attached is our letter, from the residents of the Wellington Place HOA subdivision, in opposition to the re-zoning request for the Hwy 54 and Banks Rd parcel of land to be reviewed by the Planning Commissioners on September 5th. We have also included images of the current petition we have circulated amongst our residents opposing same, and expect to have additional signatures prior to the BOC meeting on 26SEP24.

We respectfully request you please share the attached with the Planning Commissioners, for it also to be entered into the official record.

Should you have any questions or concerns, please do not hesitate to reach out.

Thank you for your assistance and consideration and we appreciate your attention to this matter.

Griffin Root
Treasury/Secretary - Wellington Place Homeowners Association
612-327-0962

Griffin Root

Treasurer/Secretary – Wellington Place HOA

115 Pamela Court

Fayetteville, GA 30214

Re: Rezoning Request

Banks Road & Highway 54

August 30, 2024

My name is Griffin Root, my family resides on Banks Rd East, and we have been part of the Wellington Place subdivision for 13 years. Our community is filled with almost 45 families, ranging from some being brand new residents, to others who have lived here for over 35 years.

This letter is to represent the Wellington Place HOA residents' concern to the re-zoning request of the 4.86 acres at the corner of Banks Rd. and HWY 54 in Fayetteville from A-R to C-C , for the development of a gas station/convenience store. This property has a long history of being consistently zoned as residential, and in so being greatly assists in the promotion of the peaceful quality of life within our neighborhoods, which is precious to all of the members within the WPHOA.

We strongly oppose the request to rezone this property to C-C as a gas station/convenience store, at this location, would be undoubtably both physically/psychologically harmful and completely disruptive to this residential area and our associated neighborhoods. While there are many specific reasons, we would like to express our concerns based on:

- **Noise and Light Pollution:** Gas stations typically operate late into the night or even 24/7, which will introduce unwanted noise and light pollution into the neighborhood, disrupting the quiet residential qualities of our community. These aspects of pollution are a virtual certainty, and will have a significant negative impact on the tranquility that we hold dear to us here in the WPHOA. This would be most impactful on evenings and weekends, when our residents are working to unwind after that long day at work, or spending the weekend with family and friends. A loud brightly lit gas station adjacent to our development is not supportive to these aspects of our lives.
- **Quality of life:** The petitioner has stated that the creation of a convenience store would "bring much needed fuel and food options to a residential community." We here at WPHOA disagree with that reasoning, given the fact that there is a gas station with attached convenience store food options within 1 mile on either side of Hwy 54 from the proposed development location. To build a third fuel/convenience store location between the two

existing gas stations ***does not make sense***, and would seriously degrade the peaceful quality of life we hold most dear in our neighborhoods.

For these reasons, we strongly oppose the rezoning request along with our neighboring HOAs and respectfully urge the Commission to reject the rezone request, adhere to the existing Land Use Plan, and protect the quality of life in our neighborhood that makes Fayette County the desirable place to live that it is. We thank the planning commission for taking our perspective into consideration, and hope for your support at the meeting on 05SEP24.

Sincerely,

A handwritten signature in cursive script that reads "Griffin Root".

Wellington Place Homeowners Association, Fayetteville GA

cc. Tim O'Rourke – President WPHOA

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
<i>Walter J. Jeter</i>	556 Banks Rd S.
<i>Robert Jeter</i>	556 Banks Rd S.
<i>Charles Jeter</i>	116 Currie Court
<i>Charles Jeter</i>	512 Banks Rd
Jannica Kartchner	519 Banks Rd E
<i>Fredrick Concepcion</i>	527 Banks Rd E
<i>N Kirk Eremkin</i>	531 Banks Rd E
JACK TILTON	532 Banks Rd E
<i>RHONDA TILTON</i>	532 Banks Rd E
<i>SHIRLEY TILTON</i>	115 Pamela Court
Jasmine Arnold	528 Banks Rd E
Jarrett Arnold	528 Banks Rd E
<i>CD & Nancy Turner</i>	591 Banks Rd EAST
<i>Jessie Turner</i>	534 Banks Rd E
Carley Copland	559 Banks Rd E
Harry H. Cuevas	576 Banks Rd E
Bobby Martin	578 Banks Rd E
Bruce Christie	578 Banks Rd E.
<i>Mike Vidal</i>	105 Pamela Court
Kimberly Hearn	589 Banks Rd East

From: [Planning & Zoning](#)
To: [Deborah L Bell](#)
Subject: FW: HWY 54 & Banks Rd
Date: Thursday, August 29, 2024 8:10:00 AM

From: Vicky Veasey [REDACTED]
Sent: Wednesday, August 28, 2024 2:35 PM
To: Planning & Zoning <zoning@fayettecountyga.gov>
Subject: HWY 54 & Banks Rd

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Hi

I am sending you this email as a resident of Fayette County who strongly opposes the rezoning of this area. This intersection has enough traffic, in addition and even more importantly there are accidents that take place there often. Adding a gas station to an area like this will only cause more issues. Travelers including myself have two very close options for gas. One at the intersection of Corinth and Hwy 54 and another going in the other direction at the intersection of Hwy 54 and McDonough Rd. This seems to be a bit overkill in regards to adding another gas station in the area.

Please leave this area residential

Thank you

Vicky Veasey

From: [Great Gifts of Heritage The Tuckers](#)
To: [Lee Hearn; Planning & Zoning](#)
Subject: I Say No To Gas
Date: Thursday, September 5, 2024 6:03:50 PM

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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

In our neighborhood (Felton Drive and McElroy Road), we are opposed to the zoning change. We have enough gas stations and CONVENIENCE stores within a 5 mile radius.

There is nothing good to be gained by adding a gas station.

I oppose the added traffic congestion at the Banks Road intersection with state route 54, as well as the congested complex of lanes at the end of McElroy Road.

Residents of the neighborhood, sports participants, and folks passing through have numerous stations to select from.

I strongly oppose the developers' request to rezone.

J.B. Tucker

COUNTY AGENDA REQUEST

Page 76 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone 0.453 acres from A-R to R-45 for the purpose of adding this area to the adjacent parcel; property located in Land Lot 148 of the 7th District and fronts on Palmetto Road.

Background/History/Details:

As staff worked on the report for this request, we identified problems with the request. The legal description and survey that were initially submitted did not match. Once the legal and survey were corrected, it became apparent that the request would create an illegal situation with the parent parcel. Staff has discussed these issues with the applicant and with the surveyor. Staff will continue to work with the applicant to find an appropriate solution.

Staff is recommending WITHDRAWAL of the petition, and the applicant has requested to WITHDRAW the petition. Since this was already advertised, we must present it at the public hearing.

On September 5, 2024, the Planning Commission voted 4-0 to recommend approval of the request to WITHDRAW the petition.

What action are you seeking from the Board of Commissioners?

Staff requests the Board approve withdrawal of Petition No. 1354-24.

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: 1354-24

REQUESTED ACTION: Rezone from A-R to R-45

PARCEL NUMBER: 0739 020

PROPOSED USE: To combine this portion of the parcel with Parcel No. 0739 053

EXISTING USE: Single-family residential

LOCATION: Palmetto Road

DISTRICT/LAND LOT(S): 7th District, Land Lot 148

ACREAGE: 0.453 acres

OWNER(S): Marion L. Holt

APPLICANT: Mary A. Holt (Mary A. Banks), Attorney-in-fact

AGENT: Mary A. Holt (Mary A. Banks), Attorney-in-fact

PLANNING COMMISSION PUBLIC HEARING: September 5, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: September 23, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 0.453 acres from A-R (Agricultural-Residential) to R-45 (Single-Family Residential) for the purposes of combining this acreage with Parcel No. 0739 053.

PLANNING COMMISSION RECOMMENDATION

On September 5, 2024, the Planning Commission voted 4-0 to approve the request to **WITHDRAW** the petition.

STAFF RECOMMENDATION

Staff has identified a problem with the legal description and survey that makes the request inappropriate and Staff requests to **WITHDRAW** the petition. We have discussed the issues with the surveyor and applicant and will work with them to find an alternative.

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The property is a legal lot of record based on the ordinance criteria.

B. REZONING HISTORY:

Parcel 0739 020 has not been rezoned. Parcel 0739 053 was rezoned from A-R to R-45 in 2002.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently a single-family residential use.

B. SURROUNDING ZONING AND USES

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	7	N/A	Residential	Town of Tyrone
East	13	A-R; R-70	Single Family Residential	Low Density Residential (1 Unit /1 acre)
South	5	A-R	Single Family Residential	Low Density Residential (1 Unit /1 acre)
West	1.8	A-R	Single Family Residential	Low Density Residential (1 Unit /1 acre)

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential (1 unit / 1 acre) on the Future Land Use Plan map. This request for R-45 does conform to the Fayette County Comprehensive Plan, however, the legal description as presented to staff would create an illegal situation on the parcel.

D. ZONING/REGULATORY REVIEW

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

Site Plan: The applicant submitted a concept for the property with a certified legal description.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water availability limited. Line extension may be required to serve multiple residences.
- ☐ **Public Works** - No objections.
- ☐ **Environmental Management** - No objections.
- ☐ **Environmental Health Department** - This office has no objection to the rezoning.
- ☐ **Fire** - No objections to the requested rezoning.
- ☐ **GDOT** - N/A.

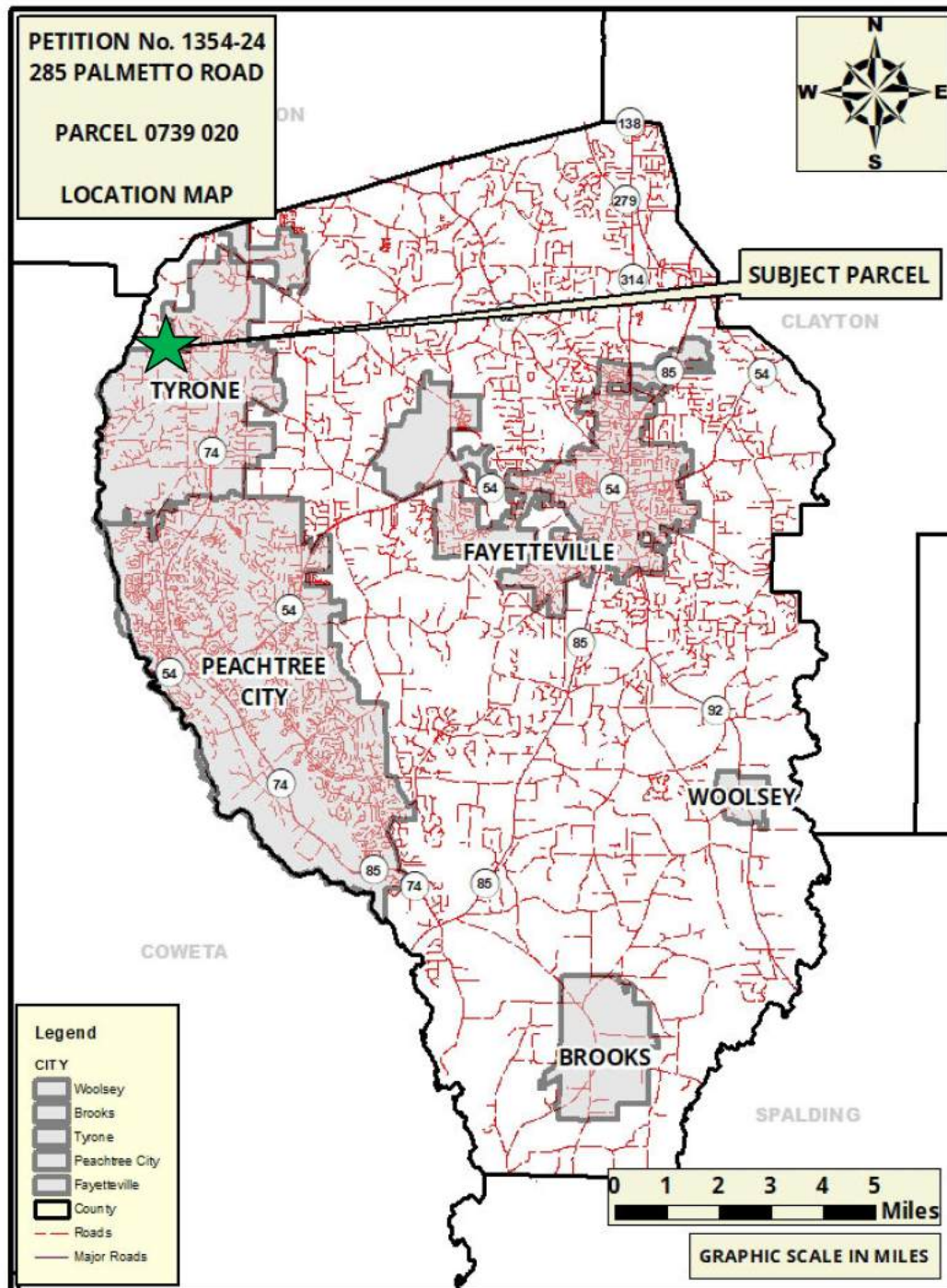
STANDARDS**Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

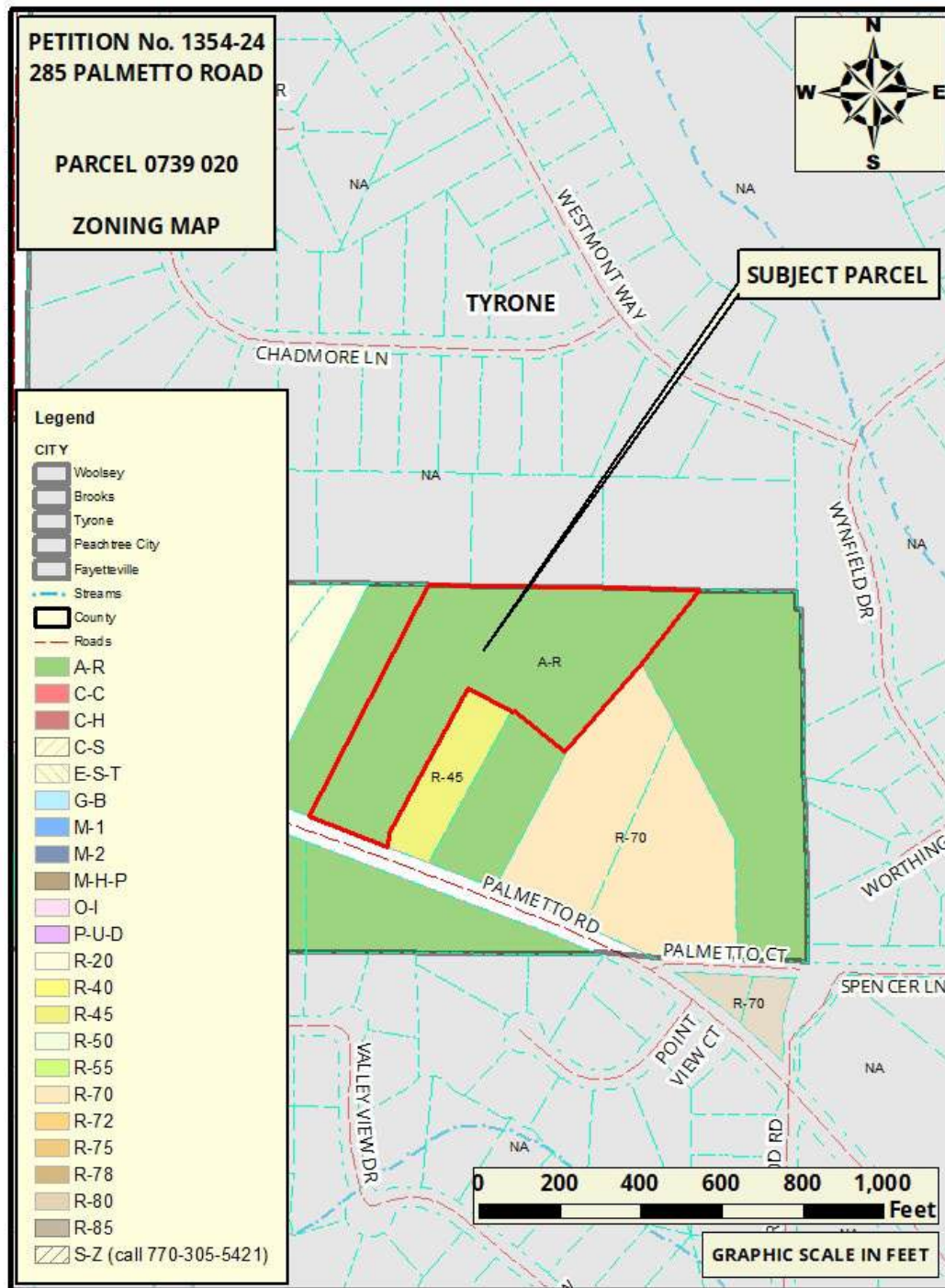
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

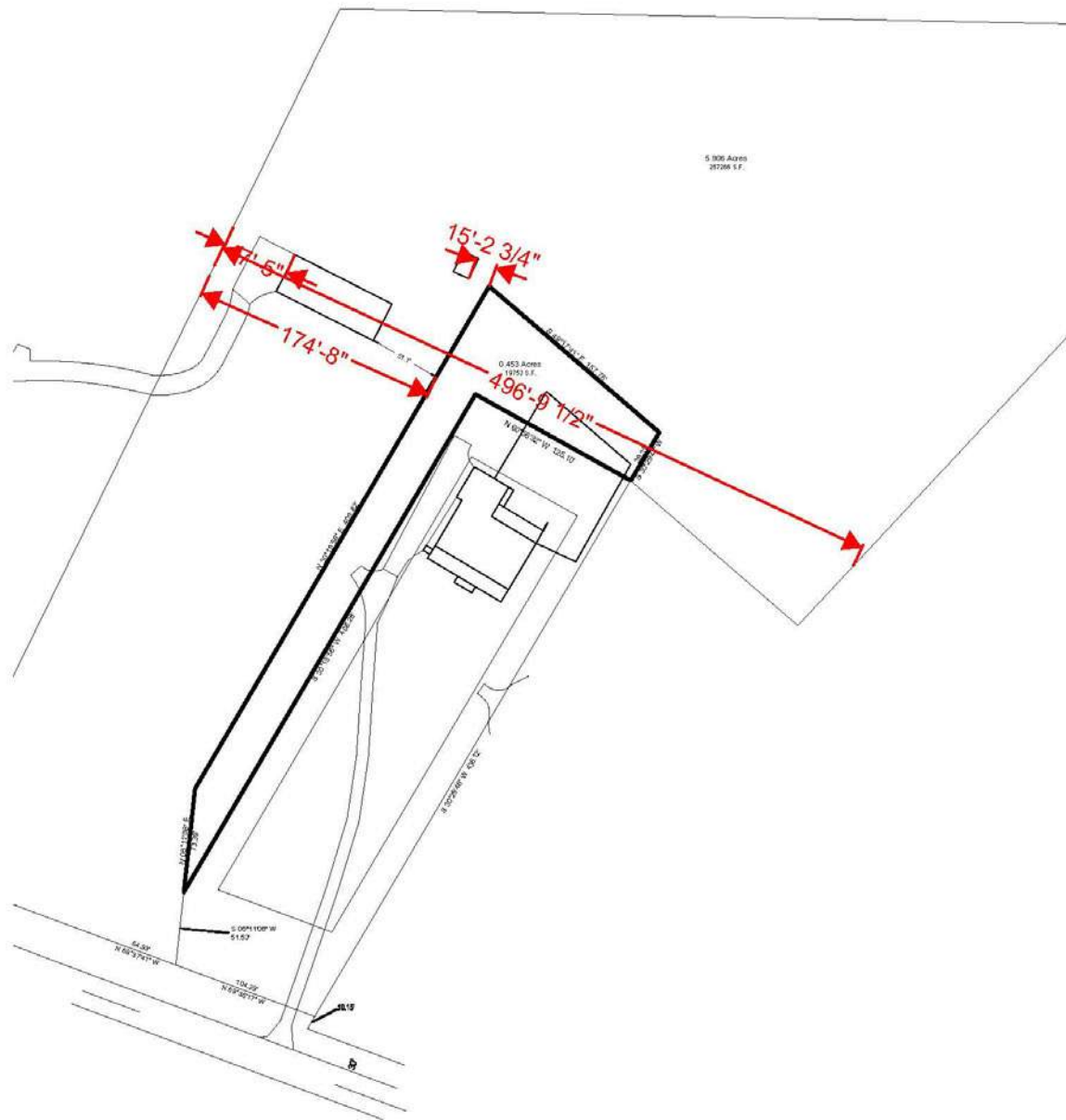
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause 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 current legal description submitted with the request does not create a parcel that can be legally rezoned and the resulting configuration of the parent parcel would create an illegal situation. Staff will work with the applicants to determine an appropriate solution.







Proposed parcel changes create several illegal issues:

- Side yard setback for accessory structure.
- Lot width at building line. This is not an item for which the ZBA can grant a variance (Sec. 110-242).
- Changes to a parcel for a structure currently classified as a legal nonconforming structure -- the existing house on the larger parcel is too close to the side property line. However, due to the age of the house, it qualifies as a legal, nonconforming structure. Any changes to the parcel configuration render that status void.

Therefore, staff recommends withdrawal of the petition to rezone.

From: [Thompson](#)
To: [Deborah L Bell](#); [Annette Holt](#)
Subject: Re: 255 Palmetto Road
Date: Wednesday, September 11, 2024 3:50:16 PM

External Email Be cautious of sender, content, and links

Deborah,

Per our conversation today, we are withdrawing our request to rezone that strip of property that is adjacent to 285 Palmetto Rd. We will return the rezoning sign on Friday.

Thank you for all your help in this matter

Paul and Linda Thompson.
Mary Annette Holt

[Sent from AT&T Yahoo Mail for iPhone](#)

On Wednesday, September 11, 2024, 3:38 PM, Deborah L Bell <dbell@fayettecountyga.gov> wrote:

Deborah L. Bell, RLA
Director, Planning & Zoning
Fayette County Board of Commissioners
Office: 770-305-5421
Direct: 770-305-5160
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
www.fayettecountyga.gov

Upcoming training: Sept. 18-20, 2024
Vacation scheduled: Aug. 29 – Sept. 5, 2024
Holiday scheduled closing: Sept. 2, 2024

From: Deborah L Bell
Sent: Monday, September 9, 2024 3:38 PM
To: [REDACTED]
Cc: Deborah Sims <dsims@fayettecountyga.gov>
Subject: 255 Palmetto Road

Mary & Paul,

Since Deborah said you had some questions while I was on vacation, I wanted to clarify why we can't proceed with the rezoning request. In addition to the location of the shed, the change in property lines would not meet the requirement for lot width on the parent parcel (the larger parcel that was going to donate land to the smaller parcel). For this reason, we are requesting that the petition be withdrawn. If it is not withdrawn, our recommendation will

be to deny the rezoning because it would create an illegal parcel. If a rezoning is denied, you must wait at least 6 months to reapply.

If you want to rezone ALL of the large parcel to R-45, that will change the setback and lot width requirements and might work. We would need the surveyor to draw an accurate proposal so I could be sure of that. Also, we would need a legal description of the full parcel. However, please understand that changing the zoning to R-45 does come with more restrictions than leaving it as A-R. There are restrictions on types & number of animals you can have in R-45; farm outbuildings are excluded; and there is a stricter limit on the SF and number of other accessory structures.

Please let me know that you agree with the current recommendation to withdraw. If you would like to talk in person about rezoning the whole parcel, please call me and we will meet to talk about the options.

Thank you,

Debbie

Deborah L. Bell, RLA
Director, Planning & Zoning
Fayette County Board of Commissioners
Office: 770-305-5421
Direct: 770-305-5160
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
www.fayettecountyga.gov

Upcoming training: Sept. 18-20, 2024

Vacation scheduled: Aug. 29 – Sept. 5, 2024

Holiday scheduled closing: Sept. 2, 2024

Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 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 *[absent]*
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN H. CULBRETH, SR., CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION No (s): 1354-24
 STAFF USE ONLY

APPLICANT INFORMATION

Name Linda H. Thompson and Mary A. Holt
 Address 255 Palmetto Road
 City Tyrone
 State GA Zip 30290
 Email [REDACTED]
 Phone 770-632-2687

AGENT(S) (if applicable)

Name Mary A. Holt
 Address 283 Palmetto Road
 City Tyrone
 State GA Zip 30290
 Email [REDACTED]
 Phone 770-632-2687

PROPERTY OWNER INFORMATION

Name Marion L. Holt
 Address 255 Palmetto Road
 City Tyrone
 State GA Zip 30290
 Email [REDACTED]
 Phone _____

Name PAUL THOMPSON
 Address _____
 City _____
 State _____ Zip _____
 Email _____
 Phone 770-652-8790

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

Received from Linda Thompson a check in the amount of \$ 250.00 for
 application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).
 Date Paid: 7/8/2024 Receipt Number: 21385

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0739 020 Acreage: 6.572
 Land District(s): 7th Land Lot(s): 148
 Road Name/Frontage L.F.: Palmetto Road/ 196.77 Road Classification: _____
 Existing Use: _____ Proposed Use: _____
 Structure(s): 1 Type: Dwelling Size in SF: 1600
 Existing Zoning: A-R Proposed Zoning: R-45
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

(Please Print)

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

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

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

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

(II) Marion L. Holt
 Signature of Property Owner 1

Address _____

Signature of Property Owner 2

Address _____

Signature of Property Owner 3

Address _____

Signature of Authorized Agent

Address _____

Linda M. Howard
 Signature of Notary Public

Date

7-2-24

Signature of Notary Public

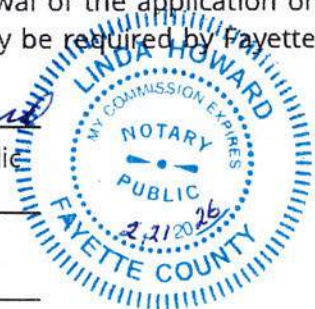
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: Marion L. HoltADDRESS: 285 Palmetto Rd, Tyrone, GA 30290

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

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

This property includes: (check one of the following)

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

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

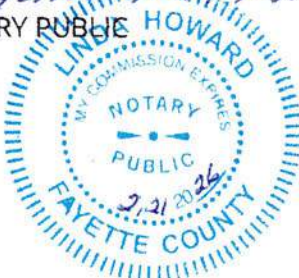
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of _____, 20____ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2 DAY OF July, 2024Marion L. Holt

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Howard
NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

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

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

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

Sworn to and subscribed before me this 2 day of July, 2024.

Marion Holt

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Howard

NOTARY PUBLIC



DISCLOSURE STATEMENT

(Please check one)

Campaign contributions:



No

☐ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

Doc ID: 010910330002 Type: QCD
Recorded: 06/02/2020 at 10:00:00 AM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5049 PG 534-535

Return Recorded Document to:

**Torie Allen Law LLC
P.O. Box 148
Tyrone, Georgia 30290**

NTE

QUIT-CLAIM DEED

STATE OF GEORGIA

COUNTY OF COWETA

THIS INDENTURE, made the 26th day of May, 2020, between **Christopher L. Hardy and Michelle A. Hardy** of the County of Fayette, and State of Georgia, as parties of the first part, (hereinafter called Grantor), and **Marion Holt a/k/a Marion L. Holt** of the County of Fayette, and State of Georgia, as party of the second part, (hereinafter called Grantees.

(The words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits, and shall include the singular and plural, and the masculine, feminine, and neuter, as the context requires.)

WITNESSETH that: Grantor, for and in consideration of the sum of **ONE AND 00/100 DOLLARS (\$1.00)** 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 bargained, sold, and does by these presents, bargain sell remise, release, and forever quitclaim to Grantee all the right, title, interest, claim, or demand with the Grantor has or may have in and to the following described Property, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 148 of the 7th District of Fayette County, Georgia, being shown as Lot 1 on that certain plat of survey prepared for Marion L. Holt, recorded in Plat Book 36, pages 125, Fayette County, Georgia Records, reference to which plat is hereby made for a more accurate description of the metes and bounds of said Lot 1.

The purpose of this deed is to correct the legal description in that certain Warranty Deed from Marion L. Holt to Christopher Lee Hardy and Michelle Anne Hardy, dated September 20, 2002, and recorded in Deed Book 1955, pages 429-430, and that certain Quitclaim Deed from Marion L. Holt to Chris Hardy and Michelle A. Hardy, dated August 29, 2002, and recorded in Deed Book 1950, pages 90-91, both in Fayette County, Georgia Records.

Book: 5049 Page: 534 Seq: 1

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

TOGETHER WITH all rights, members, and appurtenances to the said described Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said Property unto the said Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said Property or its appurtenances.

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

Christopher L. Hardy a/k/a Christopher Lee Hardy (Seal)
 Christopher L. Hardy a/k/a Christopher
 Lee Hardy

Michelle A. Hardy a/k/a Michelle Anne Hardy (Seal)
 Michelle A. Hardy a/k/a Michelle Anne
 Hardy

Signed, sealed and delivered in the presence of:

Dennis L. Loya
 Unofficial Witness

[Signature]
 Notary Public



AFTER RECORDING RETURN TO:
Lawson & Beck, LLC
560 Newnan Crossing Bypass, Suite 100
Newnan, GA 30265

SPECIFIC POWER OF ATTORNEY

I, **Marion Lounell Holt**, hereby constitute and appoint **Mary A. Banks**, my true and Lawful Attorney-in-Fact, with power and authority to sign my name, and do all the things necessary and proper which shall be as binding on me as fully and to all intents and purposes as if done by me personally, and I hereby ratify and confirm all that my said Attorney-in-Fact may lawfully do and perform by virtue of these presents in reference to my ownership in certain real estate as described on Exhibit "A" attached hereto and made a part hereof.

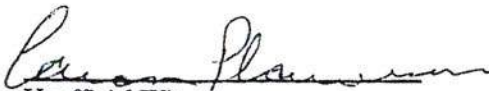
This Power of Attorney is not limited by, but specifically grants the right to:

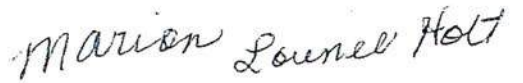
- (1) Sign my name on any contract and to any extension or renewal thereof which my Attorney-in-Fact deems necessary or appropriate;
- (2) Sign my name to and deliver any required appropriate warranty deed(s) conveying my interest in said property;
- (3) Attach this instrument, or a copy of such, as may be required to any warranty deed and record same as part of said warranty deed;
- (4) Sign my name to and deliver any and all other instruments and documents which may be necessary, required or appropriate in order to effect purchasing, holding, managing or selling said property; and
- (5) Receive and receipt for any and all sums of money or payments due in connection with said property; and
- (6) To pay all applicable real estate, transfer, or intangible taxes, recording fees, and real estate agent's commissions.

In Acting pursuant to this Power of Attorney, the Attorney-in-Fact is relieved of any and all liability to the Principal or any other party.

The foregoing Power of Attorney if a power coupled with an interest, is and shall be irrevocable, shall survive my death or incapacity, and shall continue in full force and effect until same is revoked by written instrument recorded in the office of the Superior Court of Coweta County, Georgia.

IN WITNESS WHEREOF, I have signed, sealed and delivered this instrument, this 2 day of July, 2024.


Unofficial Witness


Marion Lounell Holt


Notary Public



ALL THAT TRACT OR PARCEL OF LAND IN LAND LOT 148 OF THE 7 TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHERE THE NORTHERLY RIGHT-OF-WAY OF PALMETTO-FAYETTEVILLE ROAD (RIGHT-OF-WAY VARIES) AND THE NORTHERLY RIGHT-OF-WAY OF PALMETTO COURT INTERSECT AND RUNNING IN A NORTHWESTERNLY DIRECTION ALONG THE NORTHERLY RIGHT-OF-WAY OF PALMETTO-FAYETTEVILLE ROAD A DISTANCE OF 599.16' TO A POINT; THENCE RUNNING N 30 29 48 E A DISTANCE OF 10.15' TO A 1/2" RBF; THENCE RUNNING N 69 35 17 W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 104.29' TO A 1/2" RBF; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING N 06 11 06 E A DISTANCE OF 51.53' TO A 1/2" RBF AND THE TRUE POINT OF BEGINNING; THENCE RUNNING N 06 11 06 E A DISTANCE OF 73.39' TO A POINT; THENCE RUNNING N 30 19 56 E A DISTANCE OF 409.82' TO A POINT; THENCE RUNNING S 49 17 41 E A DISTANCE OF 157.78' TO A POINT; THENCE RUNNING S 30 29 48 W A DISTANCE OF 39.31' TO A POINT; THENCE RUNNING N 60 56 32 W A DISTANCE OF 125.10' TO A POINT; THENCE RUNNING S 30 19 56 W A DISTANCE OF 406.28' TO A 1/2" RBF AND THE TRUE POINT OF BEGINNING.

AREA 0.453 ACRES



Wednesday, August 14, 2024

Fayette County News B3

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, Sep-
tember 5, 2024, at 7:00 P.M., and
before the Fayette County Board of
Commissioners on Thursday, Sep-
tember 26, 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.: 1354-24

Owner/Agent: Marion L. Holt,
Owner

Mary A. Holt & Paul Thompson,
Agents

Existing Zoning District: A-R

Proposed Zoning District: R-45

Parcel Number: 0739 020

Area of Property: 0.453 acres

Proposed Use: Residential

Land Lot(s)/District: Land lot 148
of the 7th District

Fronts on: Palmetto Road

Request: Rezone from A-R to R-45
for the purposes of creating addi-
tional lots without any new infra-
structure.

PROPERTY DESCRIPTION

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND IN LAND LOT 148 OF
THE 7 TH DISTRICT OF FAY-
ETTE COUNTY, GEORGIA, AND
BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS: COM-
MENCING AT A POINT WHERE
THE NORTHERLY RIGHT-OF-
WAY OF PALMETTO-FAYETTE-
VILLE ROAD (RIGHT-OF-WAY
VARIES) AND THE NORTHERN-
LY RIGHT-OF-WAY OF PALMET-
TO COURT INTERSECT AND
RUNNING IN A NORTHWEST-
ERNLY DIRECTION ALONG THE
NORTHERLY RIGHT-OF-WAY
OF PALMETTO-FAYETTEVILLE
ROAD A DISTANCE OF 599.16'
TO A POINT; THENCE RUNNING
N 30 29 48 E A DISTANCE OF
10.15' TO A 1/2" RBF; THENCE
RUNNING N 69 35 17 W ALONG
SAID RIGHT OF-WAY A DIS-
TANCE OF 104.29' TO A 1/2" RBF;
THENCE LEAVING SAID RIGHT-
OF-WAY AND RUNNING N 06 11
06 E A DISTANCE OF 51.53' TO A
1/2" RBF AND THE TRUE POINT
OF BEGINNING; THENCE RUN-
NING N 06 11 06 E A DISTANCE
OF 73.39' TO A POINT; THENCE
RUNNING N 30 19 56 E A DIS-
TANCE OF 409.82' TO A POINT;
THENCE RUNNING S 49 17 41
E A DISTANCE OF 157.78' TO A
POINT; THENCE RUNNING S 30
29 48 W A DISTANCE OF 39.31'
TO A POINT; THENCE RUNNING
N 60 56 32 W A DISTANCE OF
125.10' TO A POINT; THENCE
RUNNING S 30 19 56 W A DIS-
TANCE OF 406.28' TO A 1/2" RBF
AND THE TRUE POINT OF BE-
GINNING.

AREA 0.453 ACRES

08/14

FINAL PLAT OF

HOLT ACRES

LAND LOT 148 OF THE 7TH LAND DISTRICT
FAYETTE COUNTY, GEORGIA
JULY 22, 2002

OWNER'S ACKNOWLEDGEMENT

WE, THE UNDERSIGNED OWNER'S OF THE PROPERTY SHOWN ON THIS PLAT
HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE
RIGHT-OF-WAY, EASEMENTS, AND OTHER GROUND SHOWN.

OWNER: Marion L. Holt

DATE: 8-21-02

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

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GEORGIA.
DATE: 9/15/02
SIGNED: [Signature]
ENVIRONMENTAL HEALTH
SPECIALIST

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

DATE: 9/15/02
SIGNED: [Signature]
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION.

DATE: 9/16/02
SIGNED: [Signature]
SECRETARY

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE: 9/16/02
SIGNED: [Signature]
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHALL. ALL FIRE HYDRANT(S)
LOCATED AS SHOWN.

DATE: 9/13/02
SIGNED: [Signature]
FIRE MARSHALL

FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR
RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN,
OR THE LACK OF ONE, INDICATED BY THIS PLAT.

SURVEYOR'S ACKNOWLEDGEMENT

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

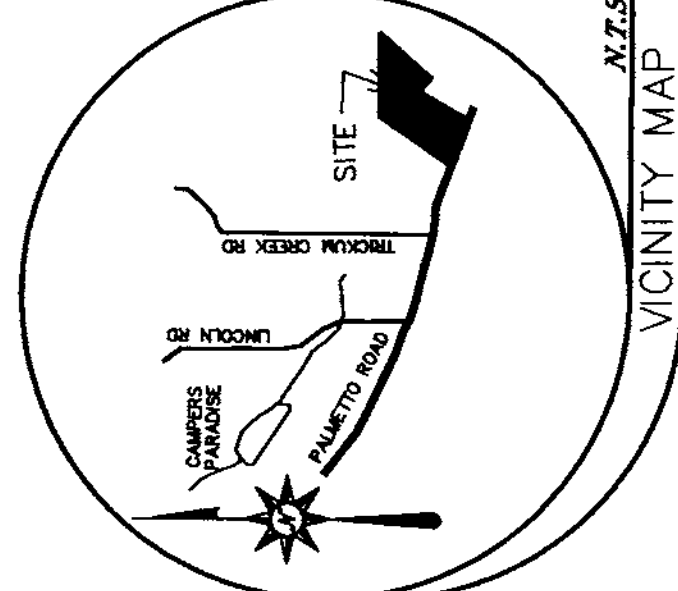
SURVEYOR: [Signature] RLS# 2696 DATE: 8/21/02

LEGEND:

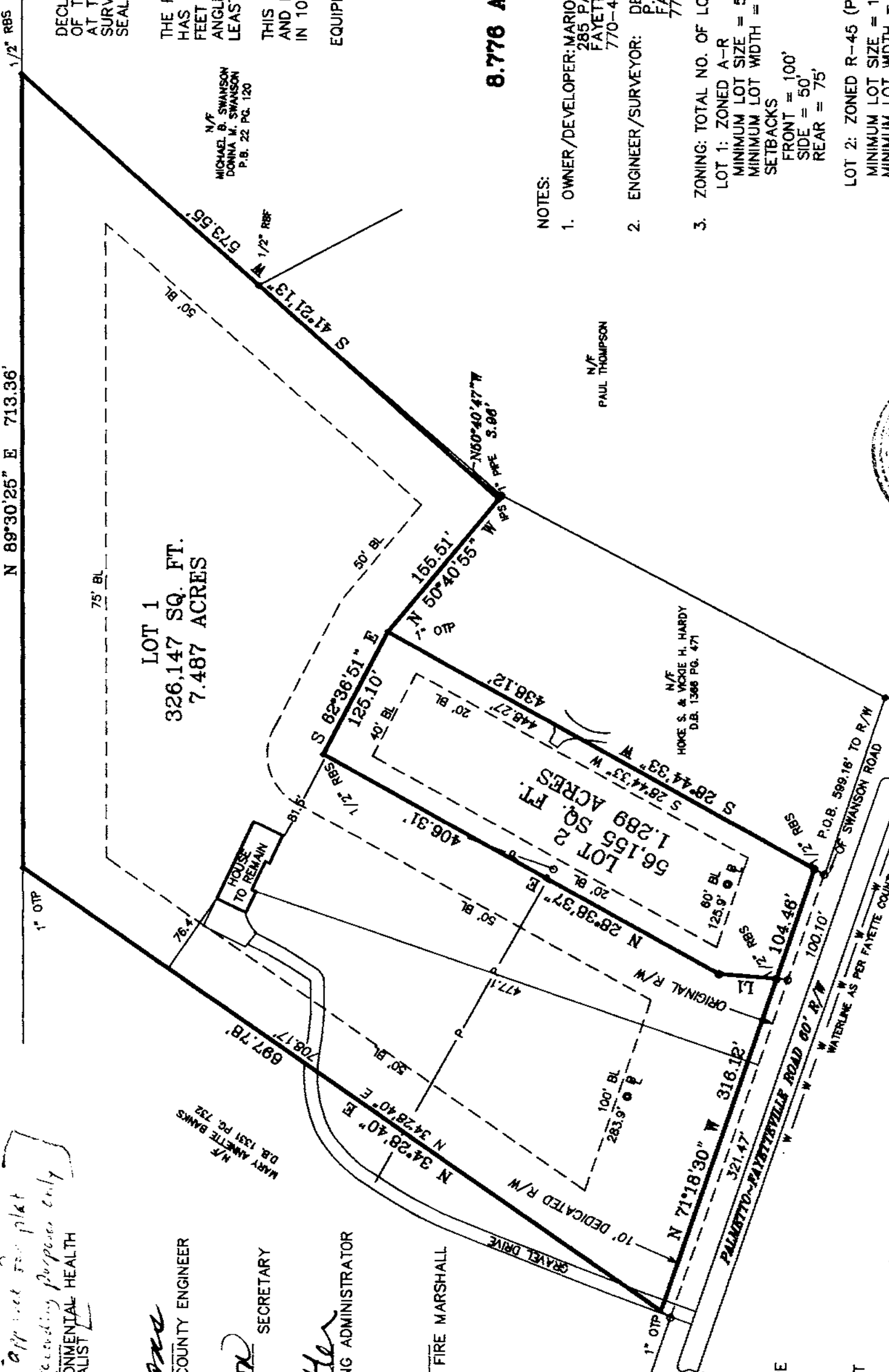
FL	FLOW LINE	RCP	REINFORCED CONCRETE PIPE
PP	POWER POLE	CMP	CORRUGATED METAL PIPE
YI	YARD INLET	FES	FLARED END SECTION
IPF	FIRE HYDRANT	HW	CONCRETE HEADWALL
IPF	IRON PIN SET	JB	JUNCTION BOX
CT	CRIMP TOP	SSE	SANITARY SEWER EASEMENT
CO	CLEAN OUT	TW	TOP WALL
SW	SIDEWALK	LLL	LAND LOT LINE
BSL	BUILDING SETBACK LINE	SDMH	STORM DRAIN MANHOLE
FOC	FACE OF CURB	SBMH	SOUTHERN BELL MANHOLE
BOC	BACK OF CURB	-W-	WATER LINE
C&G	CURB AND GUTTER	-SS-	SANITARY SEWER LINE
GW	GUY WIRE	-SD-	STORM DRAIN LINE
GM	GAS METER	-G-	GAS LINE
WM	WATER METER	-T-	TELEPHONE LINE(UNDERGROUND)
WV	WATER VALVE	-P-	ELECTRIC LINE(UNDERGROUND)
SSMH	SANITARY SEWER MANHOLE	EP	EDGE OF PAVEMENT
DI	DROP INLET	CM	CONCRETE MARKER
CB	CATCH BASIN	(930.0)	EXISTING ELEVATION
DWCB	DOUBLE WING CATCH BASIN	930.0	PROPOSED ELEVATION
SWCB	SINGLE WING CATCH BASIN	GP	LIGHT POLE
SS LAT.	SANITARY SEWER LATERAL	GV	GAS VALVE

GEORGE W. WILSON
Filing of Plat of 8/21/02 at 2:00 PM
Book 148 Page 148
[Signature]

LINE	BEARING	DISTANCE
14	N 04°30'50" E	51.84'



VICINITY MAP



DECLARATION IS MADE TO ORIGINAL PURCHASER
OF THE SURVEY, ANY USE BY THIRD PARTIES IS
AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED
HAS A CLOSURE PRECISION OF ONE FOOT IN 34,126
FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER
ANGLE POINT AND HAS BEEN ADJUSTED USING THE
LEAST SQUARES METHOD.

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

EQUIPMENT UTILIZED ---
ANGULAR --- TOPCON GTS-3
LINEAR --- TOPCON GTS-3 EDM

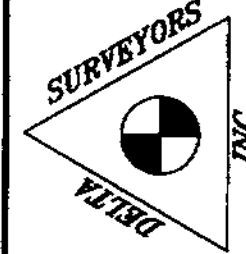
TOTAL AREA:
8.776 ACRES 382,284 SQ FT

NOTES:

- OWNER/DEVELOPER: MARION L. HOLT
285 PALMETTO ROAD
FAYETTEVILLE, GA 30214
770-487-4516
- ENGINEER/SURVEYOR: DELTA SURVEYORS, INC.
P.O. BOX 571
FAYETTEVILLE, GA 30214
770-460-9342
- ZONING: TOTAL NO. OF LOTS = 2
LOT 1: ZONED A-R
MINIMUM LOT SIZE = 5 ACRES (W/ PUBLIC WATER)
MINIMUM LOT WIDTH = 250'
SETBACKS
FRONT = 100'
SIDE = 50'
REAR = 75'
LOT 2: ZONED R-45 (PETITION # 1097-02)
MINIMUM LOT SIZE = 1 ACRES (W/ PUBLIC WATER)
MINIMUM LOT WIDTH = 125'
SETBACKS
FRONT = 60'
SIDE = 20'
REAR = 40'
- THIS TRACT DOES NOT LIE WITHIN AN IDENTIFIED 100
YEAR HAZARD AREA AS PER FAYETTE COUNTY F.I.R.M.
COMMUNITY PANEL NO. 13113 C 0020D, DATED MARCH 18, 1996.
- RW2 NAIL SET AT CENTERLINE OF PALMETTO ROAD AT
CENTER OF BRIDGE OVER LINE CREEK ELEV. 870.81 N.G.V.D. 1929
- IRON PINS (1/2" REBAR) SET AT ALL LOT CORNERS UNLESS
NOTED OTHERWISE.
- LOTS TO BE SERVED BY COUNTY WATER & INDIVIDUAL SEPTIC SYSTEMS.

DELTA SURVEYORS, INC.

P.O. BOX 571
FAYETTEVILLE, GA. 30214 770/460/9342



PREPARED FOR:

MARION L. HOLT

LOT:

LAND LOT: 148

DATE: 7/22/02

BLOCK:

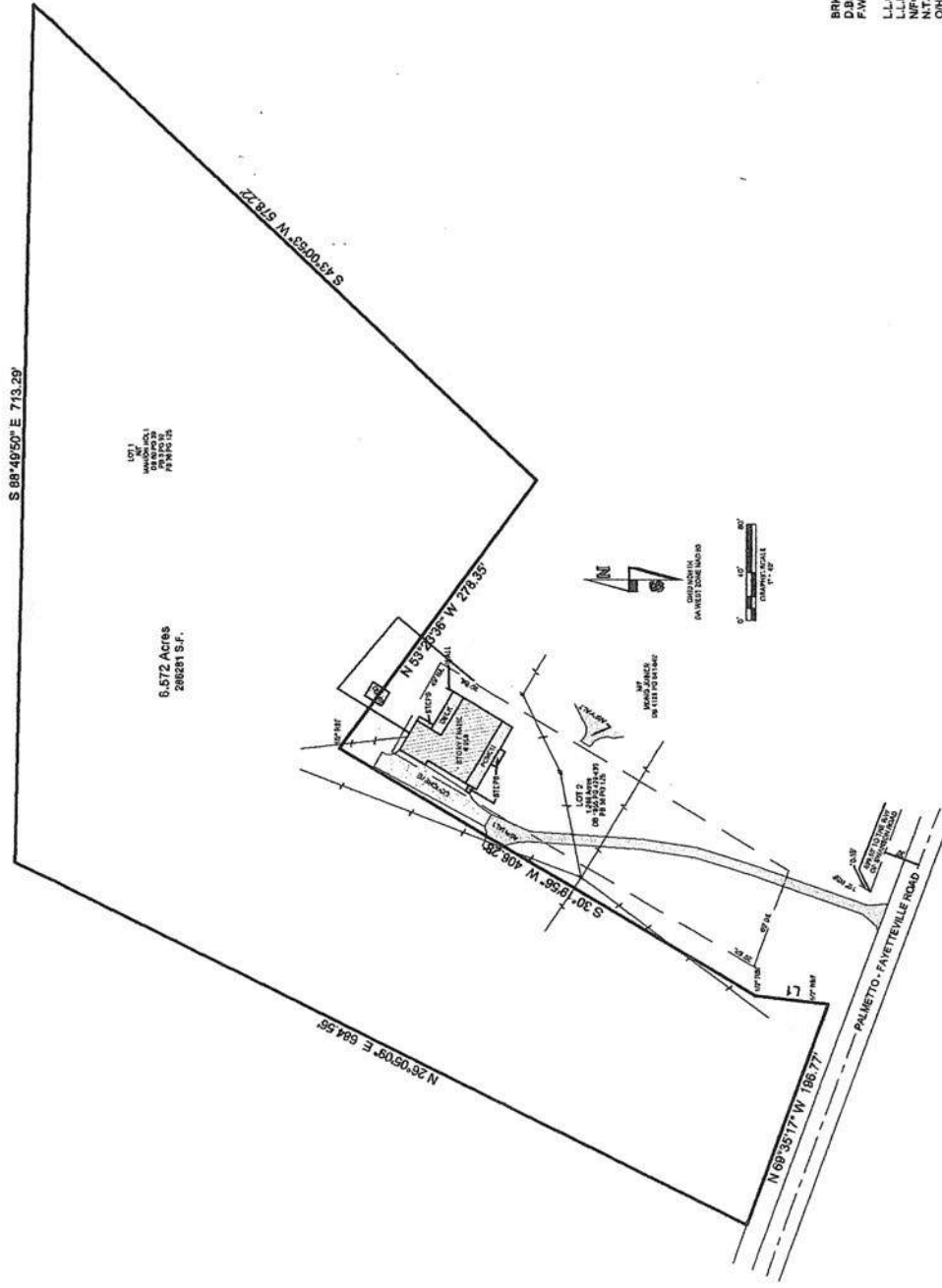
DISTRICT: 7 TH

F.W.P.D. 7/22/02

SCALE: 1"=100'

COUNTY: FAYETTE, GA

JOB NO: 02-0245



LINE	BEARING	DISTANCE
L1	S 08°11'06\"	W 81.80'



CLOSURE STATEMENT
THE SURVEYED TRACT, WHICH THIS PLAT IS
BASED UPON, HAS A CLOSURE PRECISION OF ONE
FOOT IN 37,111 FEET AND AN ANGULAR ERROR
OF 00° 00' 01\"

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 TS02 TOTAL STATION
& GOMAX CHAMPION PRO GPS ON THE
TRIMBLE NETWORK.

- LEGEND
- BRK=BRICK WALL
 - D.B.=DEED BOOK
 - F.W.P.D.=FIELD WORK
 - PERFORMED DATE
 - L.L.=LAND LOT
 - L.L.L.=LAND LOT LINE
 - N.F.=NOW OR FORMERLY
 - N.T.S.=NOT TO SCALE
 - OHUL=OVERHEAD UTILITY LINES
 - OTF=OPEN TOP PIPE
 - PG=PAGE
 - P.O.B.=POINT OF BEGINNING
 - R.B.=REBAR FOUND
 - R.B.S.=REBAR SET
 - R.W.=RIGHT OF WAY
 - S.F.=SQUARE FEET
 - TRANS.=TRANSMISSION TOWER
 - UP=UTILITY POLE
 - F.H.=FIRE HYDRANT
 - UB=UTILITY BOX

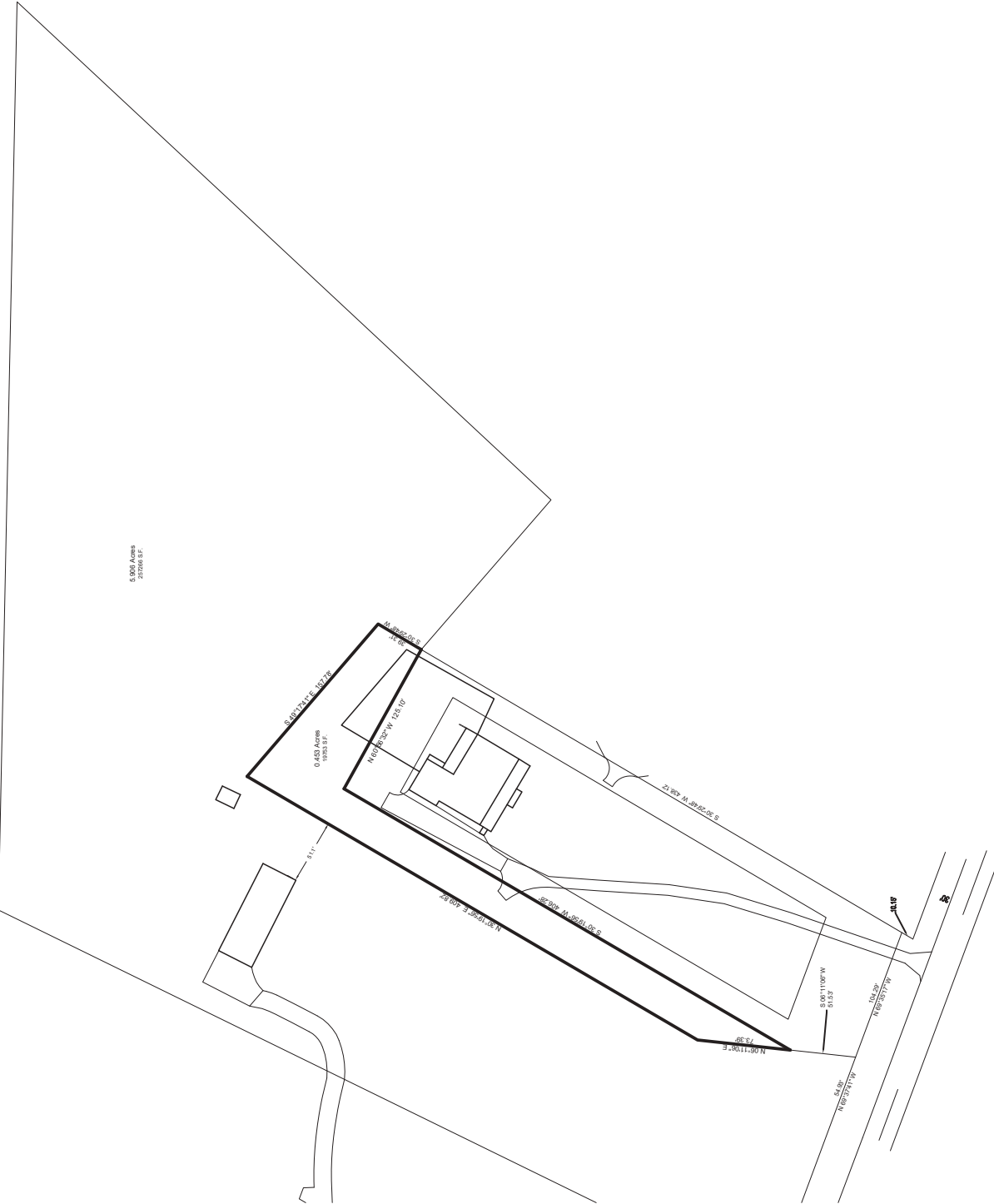
S.A. GASKINS &
ASSOCIATES, LLC
surveyors, planners, development consultants
P.O. BOX 321 BROOKS, GA 30205
770-480-8842
sagaskins@bellsouth.net

Property Location
Land Lot XXX Of The Xth Land District
Fayette County, Georgia

Prepared For:



Job No. SA24-XXXAMSP
Drawn By: [Signature]
Issue Date: XX/XX/24
F.W.P.D.: XXXXX/24
Revisions: [Table with 2 columns: Date, Description]



COUNTY AGENDA REQUEST

Page 111 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive.

Background/History/Details:

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purpose of developing a residential neighborhood of single-family detached homes. As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate.

Staff recommends CONDITIONAL APPROVAL of the request for a zoning of R-75, Single-Family Residential District.

On September 5, 2024, the Planning Commission voted 4-0 to recommend CONDITIONAL APPROVAL, with AMENDED CONDITIONS.

Please refer to the Staff Report for Amended Conditions, as recommended by the Planning Commission, and for the original staff recommendation for conditions.

What action are you seeking from the Board of Commissioners?

Conditional Approval of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1355-24

REQUESTED ACTION: Rezone from A-R to R-75

PARCEL NUMBER: 0703 012

PROPOSED USE: Single-Family Residential Subdivision with No New Infrastructure

EXISTING USE: Agricultural/Residential

LOCATION: Davis Road & Huiet Drive

DISTRICT/LAND LOT(S): 7th District, Land Lot 28

ACREAGE: 41.78

OWNER(S): Andrea Pope Camp; Jordan Camp, Attorney-in-Fact

APPLICANT: Jordan Camp, Attorney-in-Fact

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: September 5, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: September 26, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

PLANNING COMMISSION RECOMMENDATION

On September 5, 2024, the Planning Commission voted 4-0 to recommend **CONDITIONAL APPROVAL, with the following AMENDED CONDITIONS:**

[Notes: Condition #4 was omitted altogether. Condition #6 was amended to only follow Sec. 12-90., which removes the need for a condition related to installation of water lines. For clarity, staff has removed this condition, and the County Ordinance Sec. 12-90 shall be applied here.]

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
4. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.
5. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

[Original Staff Recommended Conditions as presented to the Planning Commission]

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-75, Single-Family Residential District. *(Please see conditions on next page.)*

STAFF RECOMMENDED CONDITIONS FOR PETITION No. 1355-24

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.
5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.
6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide

water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Staff Note from Public Works regarding Condition #4:

The potential traffic load from the parcel under the existing A-R zoning is approximately 72 trips per day. The trip estimate for the proposed zoning is 144 trip per day or greater if an internal local road is provided to increase lot yield beyond 16. This is a 100% increase, or greater. Although there are larger residential developments in the area, they have alternative access points so drivers can avoid travel on a gravel road. Conversely, all traffic for this development would be on one or both gravel roads and the start/destination points concentrated across the Davis Road and Huiet Drive frontages.

The design standard and level-of-service for these existing roads is low. They are gravel, narrow, and often with limited or no right-of-way. This limits Fayette County's ability to clear vegetation for sight distance, remove obstructions, and provide adequate ditches and cross-drains for drainage. In addition, some areas have substandard horizontal and vertical geometries. For these reasons, maintaining gravel roads is on-going challenge even at existing traffic volumes. The increased traffic and curb cuts would exceed what the roads are able to support. Improvements are needed to provide an adequate level-of-service for the proposed change in density.

The recommended dollar value payment is based on Fayette County's cost estimate to design and construct road improvements along the portion of Davis Road (1,403 ft +/-), Huiet Drive (1,495 ft +/-) fronting the parcel, plus an extension north along Huiet Drive to tie in with existing pavement (300 ft +/-). The scope of work includes the design, right-of-way acquisition, utility relocations, and construction work necessary to improve the road from its current condition to a paved Collector Road, that meets Fayette County's Development Regulations.

The cost estimate to improve 2,898 ft of existing gravel road to County Collector Standards is \$1,105,000.

This estimate includes design, surveying, right-of-way acquisition, and construction. It assumes all the work is outsourced and is based on today dollars (no inflation). It also assumes no stormwater management features beyond culverts and ditches and no grading easements beyond the 80-ft ROW.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal lot of record in the A-R zoning district. There is a single-family home and barn on the property. 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 has a single-family home and a barn on it. The house does not meet the minimum requirements for R-75, so staff is recommending a condition for removal. The barn will not meet the minimum requirements for an accessory structure in R-75, so staff is recommending a condition for removal.

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:

Direction	Acreage	Zoning	Use	Future Land Use Plan
North	11	R-40	Single-Family Residential	Rural Residential – 2 (1 unit/2 acres)
East	10	R-40	Single Family Residential	Rural Residential – 2 (1 unit/2 acres)
South (across Davis Road)	48	A-R	Single Family Residential & Agricultural	Rural Residential – 3 (1 unit/3 acres)
West (across Huiet Drive)	60	A-R	Single Family Residential & Agricultural	Rural Residential – 3 (1 unit/3 acres)

E. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential - 3 on the Future Land Use Plan map. This request **DOES CONFORM** to the Fayette County Comprehensive Plan/Future Land Use Map.

F. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Huiet Drive and Davis Road.

Site Plan: The applicant submitted a survey with concept plan for the property. A full site plan review (minor final plat) will be conducted when an application for development is submitted.

G. DEPARTMENTAL COMMENTS

- ☐ **Fayette County Public Schools** -- This rezoning will not be an issue for the school system.
- ☐ **Water System** -- No objections.
- ☐ **Public Works & Environmental Management**
 - **Access Management**
 - Huiet Drive is a County Collector. There is no traffic data for Huiet Drive.
 - Davis Road is a County Collector. There is no traffic data for Davis Drive.
 - **Sight Distance** -- The speed limit on Huiet Drive and Davis Road is 25 MPH, requiring 280 ft. of sight distance. Sight distance has not been verified.
 - **Floodplain Management** -- The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0092E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process as to the existence or non-existence of wetlands.
 - **Watershed Protection** -- There **ARE NOT** state waters located on the subject property and the site **WILL NOT BE** subject to the Fayette County Watershed Protection Ordinance upon subdivision.
 - **Groundwater** -- The property **IS** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if rezoned and developed with more than 5,000 square feet of impervious surfaces for a major subdivision or commercial site plan.

- ☐ **Environmental Health Department** – This office has no objection to the rezoning of this parcel. This approval is only for rezoning and no other future requirements of this office.
 - ☐ **Fire** – Due to the number of lots proposed and distance to the adjacent water line in Canoe Club S/D, water will be required to be ran to all proposed lots in this S/D, including installation of fire hydrants as stated below.
 - Sec. 12-90. - Mandatory connection to public water system.
 - (a) Every lot of a proposed subdivision shall be supplied with adequate water and waste water facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or waste water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
 - Number of Lots: 6 or more. Minimum Distance from Water Line: 2,500 feet.
 - For each additional lot after six, an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.
 - *Measured along public right-of-way to closest point on property. Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the water system.
 - (b) Standard fire hydrants will be provided at the spacing defined under section 12-91. Design standards shall be as specified by the American Water Works Association.
- (Code 1992, § 9-82; Ord. of 9-24-1987, § 5-2; Ord. No. 90-15, § 9-82, 9-27-1990; Ord. No. 2000-14A, § 1, 9-28-2000)
- ☐ **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 Rural Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and the minimum lot size.
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 schools. The project does meet criteria that require extension of public water lines to serve the property. Staff has determined that the development would have an adverse impact on local roads.
4. The proposal is consistent in character and land use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS**Sec. 110-131. R-75, Single-Family Residential District.**

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

(b) *Permitted uses.* The following uses shall be permitted in the R-75 zoning district:

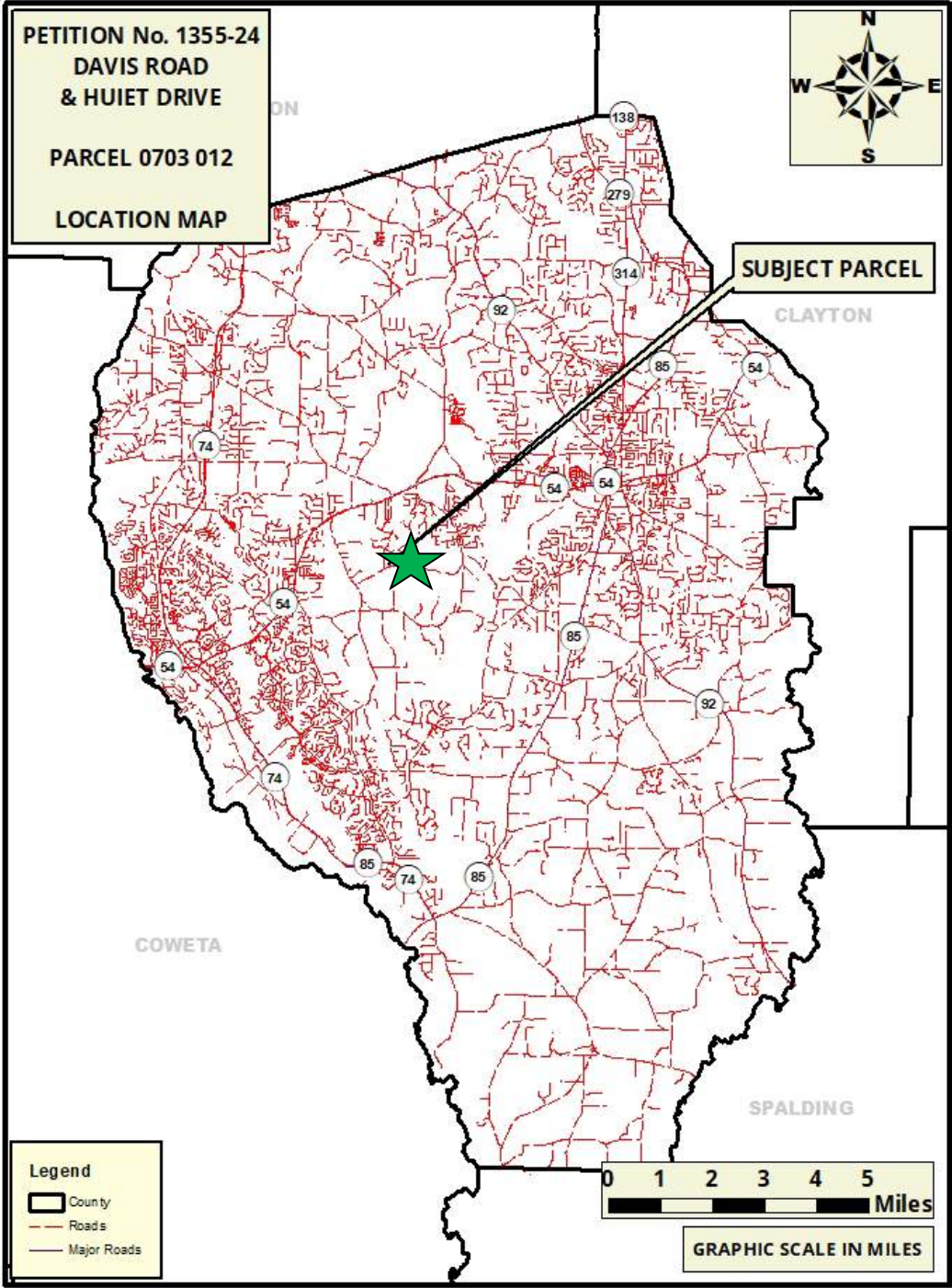
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

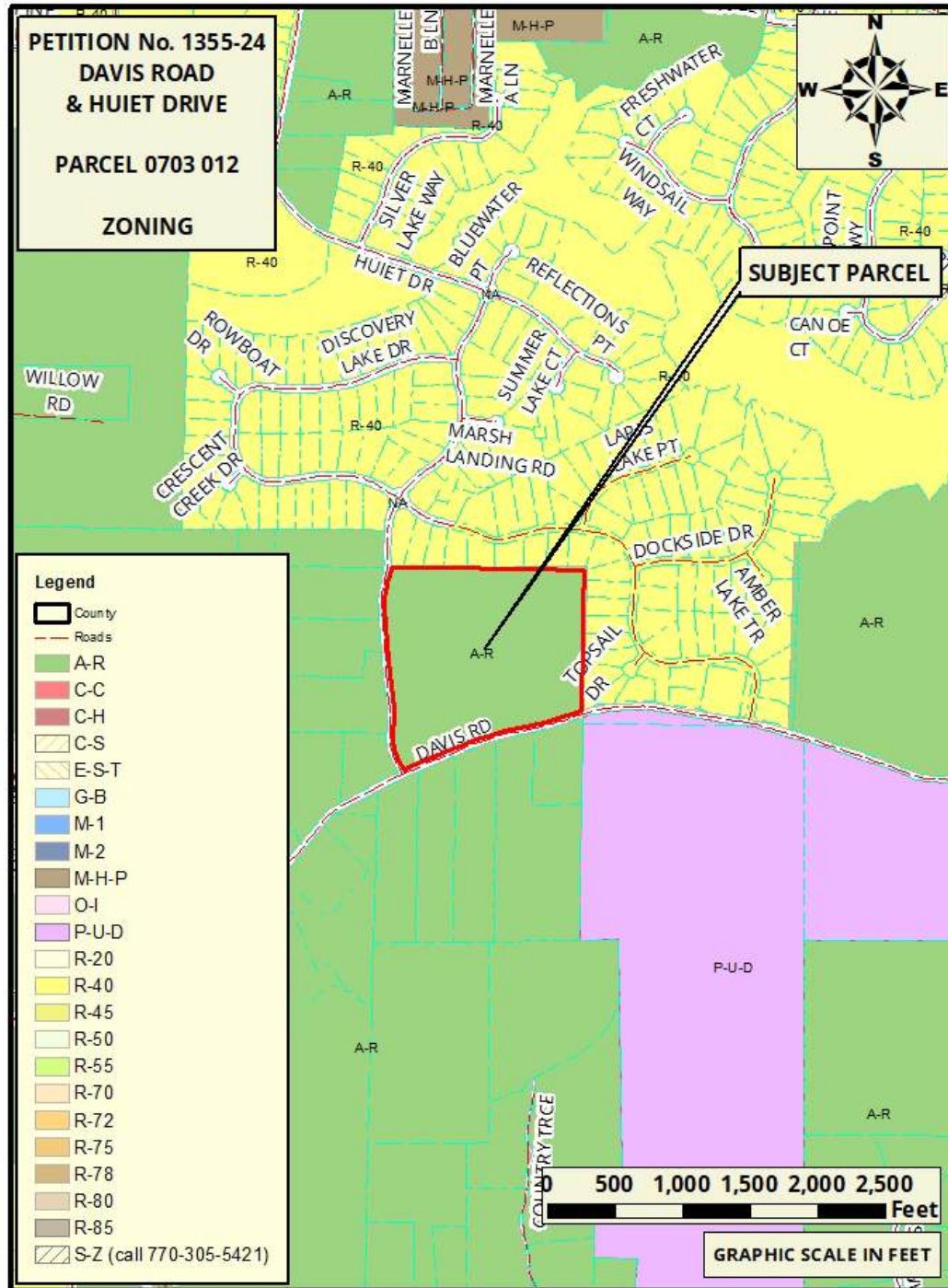
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-75 zoning district provided that all conditions specified in article V of this chapter are met:

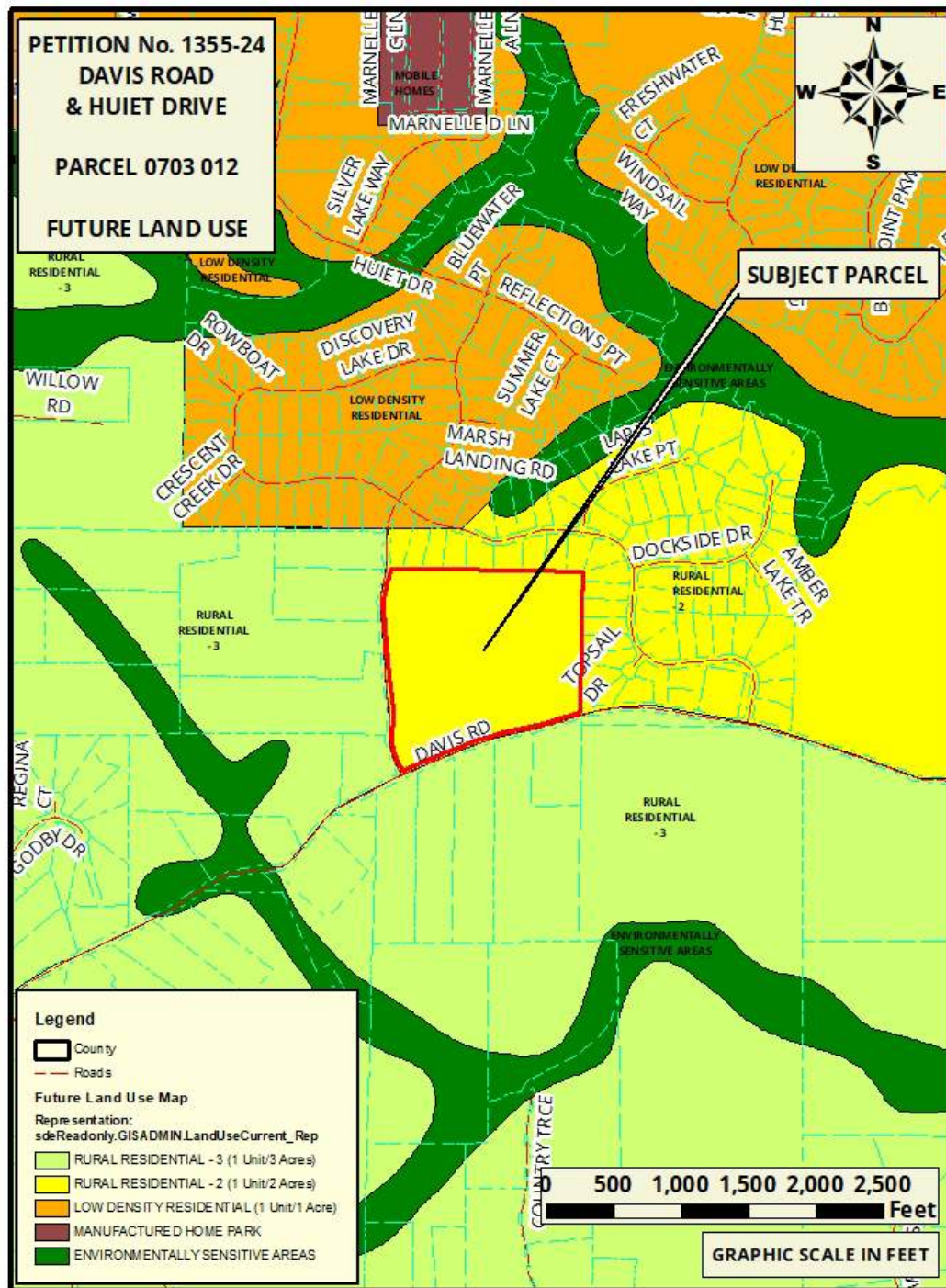
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

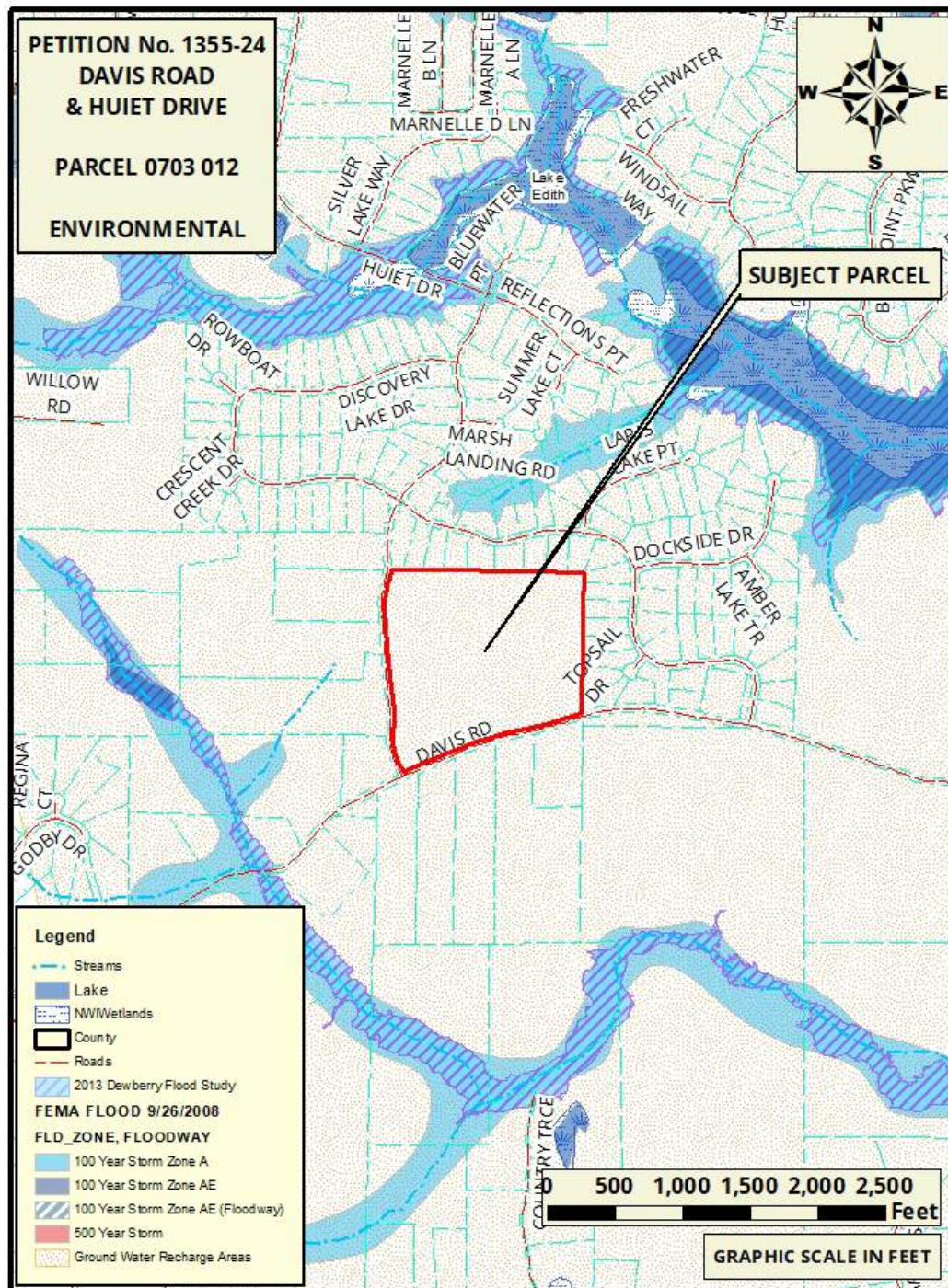
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-75 zoning district shall be as follows:

- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width: 125 feet.
- (3) Floor area: 2,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.
- (7) Height limit: 35 feet.

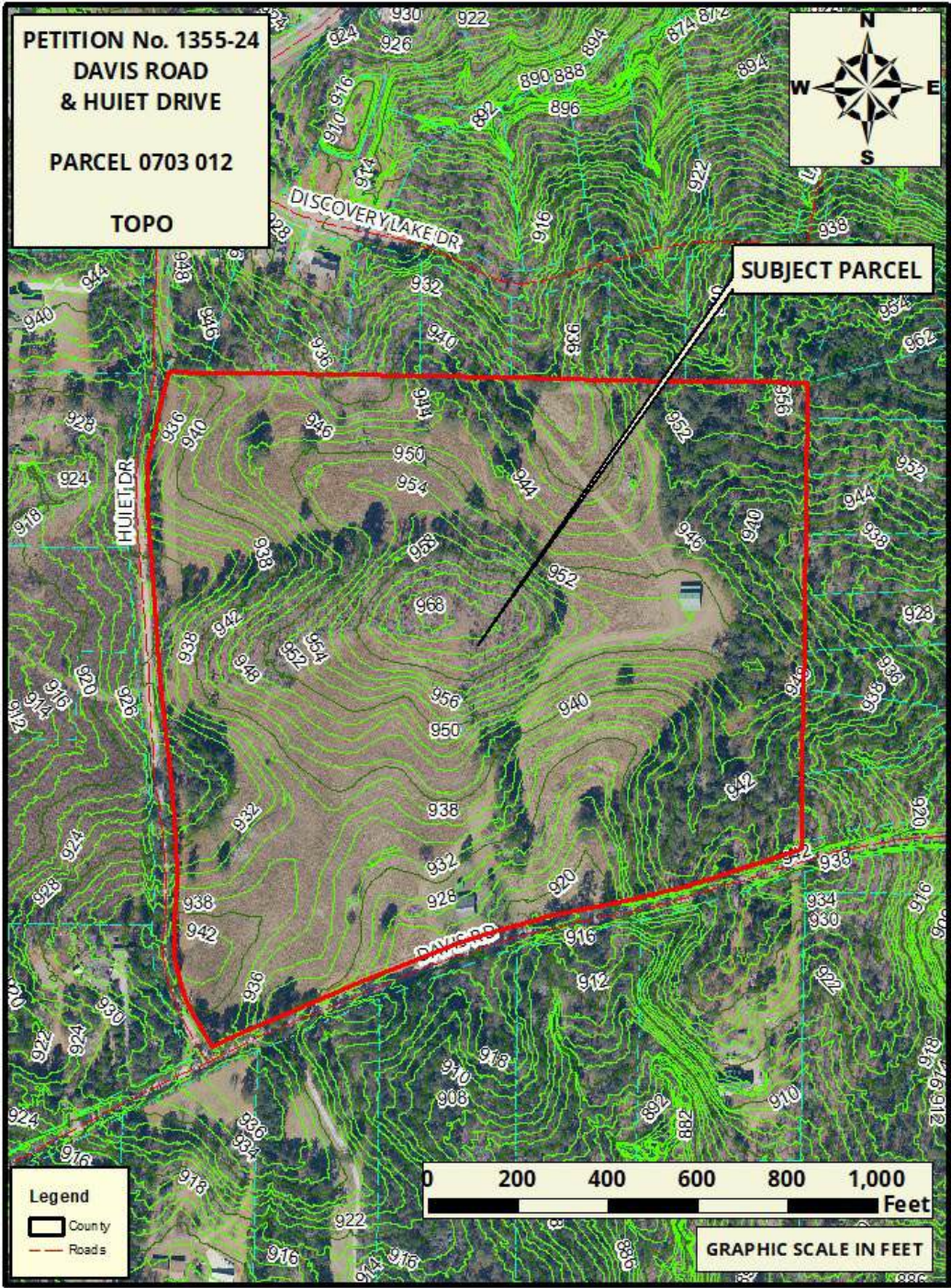












Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 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 *[absent]*
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN H. CULBRETH, SR., CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION No.: 1355-24 Fees Due: _____ Sign Deposit Due: _____
 STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0703-012 Acreage: 41.78 ACRES
 Land District(s): 7th Land Lot(s): 28
 Road Name/Frontage L.F.: DAVIS RD. - 1387.5' Road Classification: DAVIS RD. & AVIET DR.
 Existing Use: AGRICULTURAL - HUIET DR. 1354.4' Proposed Use: RESIDENTIAL SUBDIVISION (COLLECTOR)
 Structure(s): 2 Type: HOUSE & BARN (TO BE REMOVED) Size in SF: HOUSE - 864 SQ. FT.
 Existing Zoning: AR Proposed Zoning: R-75 BARN - 2400 SQ. FT.
 Existing Land Use: AGRICULTURAL Proposed Land Use: RESIDENTIAL SUBDIVISION
 Water Availability: YES Distance to Water Line: AT NORTHWEST PROPERTY CORNER Distance to Hydrant: SAME

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: _____

PETITION No (s): 1355-24

STAFF USE ONLY

POWER OF ATTORNEY FOR ANDREA CAMP
APPLICANT INFORMATION

Name JORDAN CAMP
 Address 1823 RIVER FOREST DR, N.W.
 City ATLANTA
 State GA. Zip 30327
 Email JORDAN.CAMP@ATTORNEYREP.COM
 Phone 404-969-9487

PROPERTY OWNER INFORMATION

Name ANDREA POPE CAMP
 Address 341 PLANTATION CIRCLE
 City FAYETTEVILLE, GA.
 State GA. Zip 30214
 Email boyd2227@gmail.com
 Phone 404-275-1677

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: Heborah Y Bell Date: 07/10/2024

DATE OF PLANNING COMMISSION HEARING: Sept 5, 2024

DATE OF COUNTY COMMISSIONERS HEARING: Sept. 26, 2024

Received from Southeastern Sand & Gravel LLC a check in the amount of \$ 490.00 for application filing fee, and \$ 40.00 ^{incl.} for deposit on frame for public hearing sign(s).

Date Paid: 07/10/2024 Receipt Number: 21419

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:

ANDREA POPE CAMP

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0703 012

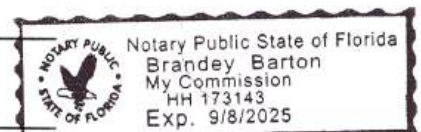
(I am) (we ~~are~~) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 28 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 4.78 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (we ~~are~~) hereby delegate authority to RANDY M. BOYD to act as (my) (our ~~is~~) 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 ~~are~~) 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 ~~are~~) 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 ~~are~~) 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 ~~are~~) further acknowledge that additional information may be required by Fayette County in order to process this application.

(II) [Signature]
 Signature of Property Owner, P.O.A.
1823 RIVER FOREST RD. N.W.
 Address ATLANTA, GA. 30327

[Signature]
 Signature of Notary Public
07/08/2021
 Date



Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

[Signature]
 Signature of Authorized Agent

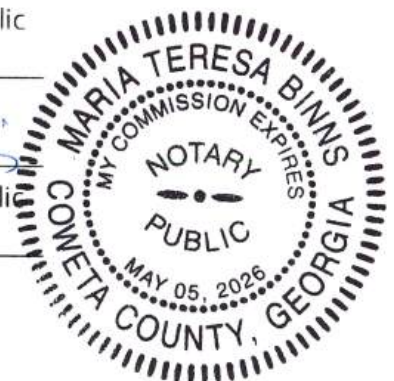
[Signature]
 Signature of Notary Public

P.O. Box 64

07/10/24

Address Zebulon, GA.
30295

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: ANDREA POPE CAMPADDRESS: 341 PLANTATION CIRCLE, FAYETTEVILLE, GA. 30214

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

ANDREA POPE CAMP affirms that she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. ~~He~~/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 490.00 to cover all expenses of public hearing. ~~He~~/She petitions the above named to change its classification to R-75.

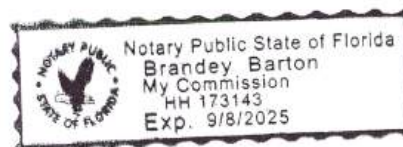
This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or☐ Legal description for subject property is as follows:PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of SEPTEMBER 5, 20 24 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of SEPTEMBER 26, 20 24 at 500 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF July, 20 24

SIGNATURE OF PROPERTY OWNER, P.O.A.

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, AUDREA POPE CAMP, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 40 feet of right-of-way along HUIET ROAD AND DAVIS 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:

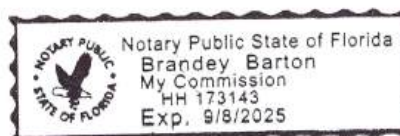
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 8th day of July, 2021.

[Signature]
SIGNATURE OF PROPERTY OWNER, P.O.A.

[Signature]
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC [Signature]



DEVELOPMENTS OF REGIONAL IMPACT (DRI)**Rezoning Applicant:**

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

Signed this 8th day of July, 2024.


APPLICANT'S SIGNATURE

Developments of Regional Impact - Tiers and Development Thresholds

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

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DISCLOSURE STATEMENT

(Please check one)

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

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

- ☒ Application form and all required attachments completed, signed, and notarized, as applicable.
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- ☒ Boundary Survey (Separate from Conceptual Plan; 1 paper copy and 1 electronic copy in .pdf format), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor.
- ☒ Legal Description (must have metes and bounds) – 1 paper copy and 1 electronic copy in Microsoft Word .docx format
- ☒ Conceptual Plan (1 paper copy and 1 electronic file in .pdf format). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey; however it is required to be drawn to scale, and include all applicable items below:

✓

a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.

N/A

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.

N/A

g. Location and dimensions of exits/entrances to the subject property.

N/A

h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.

N/A

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).

DURABLE POWER OF ATTORNEY
FOR
FINANCIAL MATTERS FOR
ANDREA CAMP

State of Georgia
County of Fulton

DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS

IMPORTANT INFORMATION REGARDING THIS DOCUMENT:

This power of attorney is consistent with and in compliance with the Georgia Standard form provided in O.C.G.A. §10-6B, the "Georgia Power of Attorney Act".

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in O.C.G.A. §10-6B.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke this power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to any compensation unless you state otherwise in the Special Instructions. Your agent shall be entitled to reimbursement of reasonable expenses incurred in performing the acts required by you in your power of attorney.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a successor agent or name a co-agent in the Special Instructions. Co-agents will not be required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney shall be durable unless you state otherwise in the Special Instructions.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about this power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

PART ONE

DESIGNATION OF AGENT(S)

I, ANDREA CAMP, name the following person as my agent:

My son, JORDAN CAMP

If my agent is unable or unwilling to act for me, I name as my successor-agent:

N/A

PART TWO

GRANT OF GENERAL AUTHORITY

I, ANDREA CAMP, grant my agent and any successor agent general authority, including but not limited to such authority described in O.C.G.A. §10-6B-40(c), to act for me with respect to the following subjects as defined in O.C.G.A. §10-6B:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All preceding subjects" instead of initialing each subject.)

____ (Initials) 1. **Real Property.** To demand, buy, lease, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject an interest in real property or a right incident to real property. To sell; exchange; convey with or without covenants, representations or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property. To pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To release, assign, satisfy or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien or other claim to real property which exists or is asserted. To manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by me, including: insuring against liability or casualty or other loss; obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; and purchasing supplies, hiring assistance or labor, and making repairs or alterations to the

real property. To use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which I have, or claim to have, an interest or right. To participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including: selling or otherwise disposing of them; exercising or selling an option, right of conversion, or similar right with respect to them. To change the form of title of an interest in or right incident to real property, and to dedicate to public use, with or without consideration, easements or other real property in which I have, or claim to have, an interest. To record a power of attorney in connection with a conveyance involving real property pursuant to the authority described in O.C.G.A. §10-6B-19.

____ (Initials) **2. Tangible Personal Property.** To demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property. To sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or otherwise dispose of tangible personal property or an interest in tangible personal property. To grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of me, with respect to tangible personal property or an interest in tangible personal property. To manage or conserve tangible personal property or an interest in tangible personal property on behalf of me, including: insuring against liability or casualty or other loss; obtaining or regaining possession of or protecting the property or interest by litigation or otherwise; paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; moving the property from place to place; storing the property for hire or on a gratuitous bailment; and using and making repairs, alterations, or improvements to the property. To change the form of title of an interest in tangible personal property.

____ (Initials) **3. Stocks and Bonds.** To buy, sell, and exchange stocks and bonds. To establish, continue, modify, or terminate an account with respect to stocks and bonds. To pledge stocks and bonds as security to borrow, pay, renew or extend the time of payment of a debt of mine. To receive certificates and other evidences of ownership with respect to stocks and bonds.

____ (Initials) **4. Commodities and Options.** To buy, sell, exchange, assign, settle and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange. To establish, continue, modify and terminate option accounts.

____ (Initials) **5. Banks and Other Financial Institutions.** To continue, modify, and terminate an account or other banking arrangement made by or on behalf of me. To establish, modify, and terminate an account or other banking arrangement with a bank,

trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by my agent. To contract for services available from a financial institution, including renting a safe deposit box or space in a vault. To withdraw, by check, order, electronic funds transfer, or otherwise, money or property of mine deposited with or left in the custody of a financial institution. To receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them. To enter a safe deposit box or vault and withdraw or add to the contents. To borrow money and pledge as security personal property of mine necessary to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of mine or payable to me or my order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon me and pay it when due. To receive for me and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument. To apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit. To consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

____ (Initials) **6. Operation of Entity or Business.** To operate, buy, sell, enlarge, reduce, or terminate an ownership interest. To perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that I have, may have or claim to have. To enforce the terms of an ownership agreement. To initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which I am a party because of an ownership interest. To exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option I have or claim to have as the holder of stocks and bonds. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to which I am a party concerning stocks and bonds. With respect to an entity or business owned solely by me, to continue, modify, renegotiate, extend and terminate a contract made by or on behalf of me with respect to the entity or business before execution of this power of attorney; to determine the location of its operation, the nature and extent of its business, the methods of manufacturing, selling, merchandising, financing, accounting and advertising employed in its operation, the amount and types of insurance carried, and the mode of engaging, compensating and dealing with its employees and accountants, attorneys or other advisors; to change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and to demand and receive money due or claimed by me or on my behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business. To put additional capital into an entity or business in which I have an interest. To join in a plan of reorganization, consolidation, conversion, domestication or merger of the entity or business. To sell or liquidate all or part of an entity or business. To establish the value of an entity or

business under a buy-out agreement to which I am a party. To prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to an entity or business and make related payments. To pay, compromise or contest taxes, assessments, fines or penalties and perform any other act to protect me from illegal or unnecessary taxation, assessments, fines or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of this power of attorney. To exercise any fiduciary powers granted to me as they relate to any associated ownership interest, provided those powers are expressly and clearly identified in the Special Instructions herein and provided I specifically identify the individual(s), estate(s), trusts(s), or other legal or commercial entity or entities for whom I act as a fiduciary.

____ (Initials) 7. **Insurance and Annuities.** To continue, pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract procured by me, or on behalf of me, which insures or provides an annuity to either me or another person, whether or not I am a beneficiary under the contract. To procure new, different and additional contracts of insurance and annuities for me and my spouse, children and other dependents, and select the amount, type of insurance or annuity, and mode of payment. To pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract of insurance or annuity procured by my agent. To apply for and receive a loan secured by a contract of insurance or annuity. To surrender and receive the cash surrender value on a contract of insurance or annuity. To exercise an election. To exercise investment powers available under a contract of insurance or annuity. To change the manner of paying premiums on a contract of insurance or annuity. To change or convert the type of insurance or annuity with respect to which I have or claim to have authority described in O.C.G.A. §10-6B-49. To apply for and procure a benefit or assistance under a law or regulation to guarantee or pay premiums of a contract of insurance on my life. To collect, sell, assign, hypothecate, borrow against or pledge my interest in a contract of insurance or annuity. To select the form and timing of the payment of proceeds from a contract of insurance or annuity. To pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of such tax or assessment.

____ (Initials) 8. **Estates, Trusts and Other Beneficial Interests.** To accept, receive, receipt for, sell, assign, pledge or exchange a share in or payment from an estate, trust, or other beneficial interest. To demand or obtain money or any other thing of value to which I am, may become or claim to be, entitled by reason of an estate, trust or other beneficial interest, by litigation or otherwise. To exercise for my benefit a presently exercisable general power of appointment held by me. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to ascertain the meaning, validity or effect of a deed, will, declaration of trust or other instrument or transaction affecting my interest. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary. To conserve, invest, disburse or use anything received for an authorized purpose. To create, amend, and/or

revoke a revocable trust so long as the terms of the trust only authorize distributions that would be allowable under a power of attorney if I held the trust assets outright and so long as the terms of the trust provide for the distribution of all trust assets to my estate upon my death. To transfer an interest of mine in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of a revocable trust created by me as grantor or settlor. With respect to a bona fide dispute, to consent to a reduction in or modification of a share in or payment for an estate, trust or other beneficial interest.

____ (Initials) **9. Claims and Litigation.** To assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment or defense, including an action to recover property or any other thing of value, recover damages sustained by me, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief. To bring an action to determine adverse claims or intervene or otherwise participate in litigation. To seek an attachment, garnishment, order of arrest or other preliminary, provisional or intermediate relief and use an available procedure to effect or satisfy a judgment, order or decree. To make or accept a tender, offer of judgment or admission of facts; submit a controversy on an agreed statement of facts; consent to examination; and bind me in litigation. To submit to alternative dispute resolution, settle and propose or accept a compromise. To waive the issuance and service of process upon me; accept service of process; appear for me; designate persons upon which process directed to me may be served; execute and file or deliver stipulations on my behalf; verify pleadings; seek appellate review; procure and give surety and indemnity bonds; contract and pay for the preparation and printing of records and briefs; receive, execute and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation. To act for me with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning me or some other person, or with respect to a reorganization, receivership or application for the appointment of a receiver or trustee which affects an interest of mine in property or any other thing of value. To pay a judgment, award or order against me or a settlement made in connection with a claim or litigation. To receive money or any other thing of value paid in settlement of or as proceeds of a claim or litigation.

____ (Initials) **10. Personal and Family Maintenance.** To perform the acts necessary to maintain my customary standard of living and the customary standard of living of my spouse and the following individuals, whether living when this power of attorney is executed or later born: my minor children, my adult children who are pursuing a postsecondary school education and are under twenty-five (25) years of age, my parents or my spouse's parents or my minor dependents who are not also my children, if I had established a pattern of such payments, my adult descendants who are not also my children who are pursuing a postsecondary school education and are under twenty-five (25) years of age provided I had established a pattern of such payments, and any other individuals legally entitled to be supported by me. To make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which I am a party. To provide living quarters for the individuals described

in this paragraph by purchase, lease or other contract; or paying the operating costs, including interest, amortization payments, repairs, improvements and taxes, for premises owned by me or occupied by those individuals. To provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for individuals described in this paragraph to enable such individuals to maintain their customary standard of living. To pay expenses for necessary health care and custodial care on behalf of the individuals described in this paragraph. To act as my personal representative pursuant to the Health Insurance Portability and Accountability Act, §§1171-1179 of the Social Security Act, 42 U.S.C. §1320d, in effect on February 1, 2018, and applicable regulations in effect on February 1, 2018 (the "Act"), in making decisions related to the past, present or future payment for the provision of health care consented to by me or anyone authorized under the laws of this state to consent to health care on my behalf. To continue any provision made by me for automobiles or other means of transportation, including registering, licensing, insuring and replacing them, for the individuals described in this paragraph. To maintain credit and debit accounts for the convenience of the individuals described in this paragraph and open new accounts. To continue payments incidental to my membership or affiliation in a religious institution, club, society, order or other organization or to continue contributions to those organizations. Authority with respect to personal and family maintenance shall be neither dependent upon, nor limited by, authority that the agent may or may not have with respect to gifts under O.C.G.A. §10-6B-56.

____ **(Initials) 11. Benefits from Governmental Programs or Civil or Military Service.**

To execute vouchers in my name for allowances and reimbursements payable by the United States or a foreign government or by a state or political subdivision of a state to me, including allowances and reimbursements for transportation of the individuals described in paragraph (1) of subsection (a) of O.C.G.A. §10-6B-52, and for shipment of their household effects. To take possession and order the removal and shipment of property of mine from a post, warehouse, depot, dock or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate or other instrument for such purpose. To enroll in, apply for, select, reject, change, amend or discontinue, on my behalf, a benefit or program. To prepare, file, and maintain a claim of mine for a benefit or assistance, financial or otherwise, to which I may be entitled under a law or regulation. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation concerning any benefit or assistance I may be entitled to receive under a law or regulation. To receive the financial proceeds of a claim described in paragraph (4) of O.C.G.A. §10-6B-53 and conserve, invest, disburse or use for a lawful purpose anything so received.

____ **(Initials) 12. Retirement Plans.** To select the form and timing of payments under a retirement plan and withdraw benefits from a plan. To make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another. To establish a retirement plan in my name. To make contributions to a retirement plan. To exercise

investment powers available under a retirement plan. To borrow from, sell assets to, or purchase assets from a retirement plan.

____ (Initials) 13. **Taxes.** To prepare, sign and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters and any other tax-related documents, including receipts, offers, waivers and consents, including consents and agreements under I.R.C. §2032A, 26 U.S.C. §2032A, in effect on February 1, 2018, closing agreements, and any power of attorney required by the Internal Revenue Service (the "IRS") or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty-five (25) tax years. To pay taxes due, collect refunds, post bonds, receive confidential information and contest deficiencies determined by the IRS or other taxing authority. To exercise any election available to me under federal, state, local or foreign tax law. To act for me in all tax matters for all periods before the IRS, or other taxing authority.

____ (Initials) 14. **All Preceding Subjects.**

PART THREE

GRANT OF SPECIFIC AUTHORITY

My agent SHALL NOT have the power to do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following powers will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent. You may give your agent specific instructions in the Special Instructions when you authorize your agent to make gifts.)

____ (Initials) 1. **Inter Vivos Trust.** To create, fund, amend, revoke, or terminate an inter vivos trust.

____ (Initials) 2. **Gifts.** To make a gift, subject to the limitations of O.C.G.A. §10-6B-56 and any Special Instructions in this power of attorney. To make outright to, or for the benefit of, a person, a gift of any of my property, including by the exercise of a presently exercisable general power of appointment held by me, (a) in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under I.R.C. §2503(b), 26 U.S.C. §2503(b), in effect on February 1, 2018, without regard to whether the federal gift tax exclusion applies to the gift, or (b) in the event that my spouse agrees to consent to a split gift pursuant to I.R.C. §2513, 26 U.S.C. §2513, in effect on February 1, 2018, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and to consent, pursuant to I.R.C. §2513, 26 U.S.C. §2513, in effect on February 1, 2018, to the

splitting of a gift made by my spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

- ____ (Initials) 3. **Rights of Survivorship.** To create or change rights of survivorship.
- ____ (Initials) 4. **Beneficiary Designation.** To create or change a beneficiary designation.
- ____ (Initials) 5. **Authorization to Another Person.** To authorize another person to exercise the authority granted under this power of attorney.
- ____ (Initials) 6. **Beneficiary Waiver.** To waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.
- ____ (Initials) 7. **Electronic Communications.** To access the content of electronic communications.
- ____ (Initials) 8. **Fiduciary Powers.** To exercise fiduciary powers that I have authority to delegate and that are expressly and clearly identified (including the identity of the each person for whom I act as a fiduciary) in the Special Instructions herein.
- ____ (Initials) 9. **Interest in Property.** To disclaim or refuse an interest in property, including a power of appointment.

PART FOUR

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my ancestor, spouse or descendant SHALL NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

PART FIVE

SPECIAL INSTRUCTIONS

(You may give special instructions on the following lines. You may add lines or place your special instructions in a separate document and attach it to this power of attorney):

Certain Policies of Life Insurance. Notwithstanding any other provision herein, no powers stated or granted herein and conferred on my agent shall be construed to grant or transfer to said attorney any "incidents of ownership" within the meaning of that phrase under I.R.C. §2042 in a policy or policies of life insurance owned by me on said agent's life.

Additional Powers. In addition to the special instructions and powers granted in the preceding paragraphs of this page and in the preceding pages of this Durable Power of Attorney for Financial Matters, I expressly and specifically grant my agent the following powers. These powers are granted in addition to any powers conferred by the provisions of this Durable Power of Attorney for Financial Matters, by Georgia statutes and/or by general rules of law, and with the direction that a grant of a specific power shall not be construed as a limitation of any general power granted herein, by statute or by law, all of which may be exercised by my agent.

1. **Lend or borrow money.** To loan or borrow money and to give or take collateral therefor on such terms as my attorney may deem best, and to evidence the same by notes or other agreements containing such terms and conditions as my attorney may think fit.

2. **Exercise Limited Powers of Appointment.** To exercise any and all limited powers of appointment granted to me under any trust or trusts, without regard to whether the trust agreement or other governing instrument for such trust was executed before or after the date of this Durable Power of Attorney for Financial Matters, and to exercise any powers exercisable by me as the grantor of any trust, including, but not limited to, powers pursuant to I.R.C. §675(4)(C).

3. **Waiver of attorney-client privilege.** For me and in my name, place and stead, to seek and compel any attorney retained by me at anytime and on any matter whatsoever to release any information prepared for me or on my behalf or to divulge any communications by and between myself and said attorney which are protected by the attorney-client privilege, and to receive, retain and protect said information or communications under the attorney-client privilege.

4. **Waiver of physician-patient privilege.** For me and in my place and stead, to seek and compel any physician retained by me at anytime or on any matter whatsoever to release any information prepared for me or on my behalf or to divulge any communications by and between myself and said physician which are protected by the physician-client privilege, and to receive, retain and protect such information under the physician-client privilege. It is my intent that my attorney be treated as if said attorney were me with respect to my rights regarding the access, use and disclosure of my medical records or other health information. Specifically, my attorney shall be considered my personal representative to access, use and disclose any information governed by the Act. I authorize all medical personnel, health care providers, insurance companies and health care information clearing houses covered by the Act to release and disclose to my attorney without any restriction and without limitation all of my health information and medical records.

PART SIX

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

PART SEVEN

NOMINATION OF CONSERVATOR

If it becomes necessary for a court to appoint a conservator of my estate, I nominate my agent, as named herein, to be appointed as conservator.

PART EIGHT

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person has actual knowledge it has terminated or is invalid.

[SIGNATURES AND ACKNOWLEDGEMENTS ARE CONTAINED ON THE FOLLOWING PAGE.]

IN WITNESS WHEREOF, this Durable Power of Attorney for Financial Matters is executed under seal this 30 day of October, 2023.



ANDREA CAMP (SEAL)

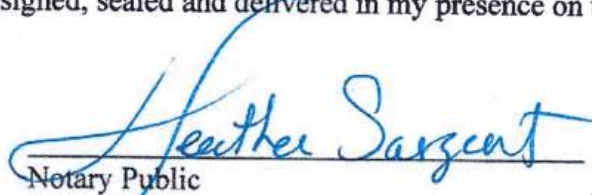
This document was signed, sealed
and delivered in the presence of:



Witness Name:

State of Georgia
County of Fulton

This document was signed, sealed and delivered in my presence on the date written above
by ANDREA CAMP.



Notary Public
[NOTARY SEAL]



This document was prepared by the firm of Smith, Gambrell & Russell, LLP.

SGR/43032575.1

WARRANTY DEED - FORM 4 (2/67)



STATE OF GEORGIA

FULTON

County

THIS INDENTURE, made this 23rd day of November in the year of our Lord One Thousand Nine Hundred and ~~Seventy~~ Seventy between NED E. WALKER of the State of Georgia and County of Fayette of the first part and STARR REALTY CORPORATION of the State of Georgia and County of Fayette of the second part, WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged ha S granted, bargained, sold and conveyed and by these presents do ES grant, bargain, sell and convey unto the said part Y of the second part, itself, its successors heirs and assigns, all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huie Road; running thence Northerly along the Easterly side of Huie Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huie Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 36.60 Date 11-30-70
Clerk of Superior Court

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

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

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

Signed, sealed and delivered in the presence of:

Jean D. Lippert
Witness
Richard T. Conner
Notary Public, Georgia State at Large
My Commission Expires: Dec. 27, 1970.

(SEAL)

Ned E. Walker (SEAL)
Ned E. Walker

(SEAL)

FILED Nov 30 1970
RECORDED 12-1 1970
W. A. Ballard
CLERK SUPERIOR COURT

WARRANTY DEED - FORM 4 (2/71)



STATE OF GEORGIA

FULTON

County

THIS INDENTURE, made this 27th day of May
 in the year of our Lord One Thousand Nine Hundred and Seventy One
 between STARR REALTY CORPORATION
 of the State of Georgia and County of Fulton of the first part
 and SHIRLEY ANNE STARR
 of the State of Georgia and County of Fayette of the second part,
 WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of
TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS DOLLARS,

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged
 has S granted, bargained, sold and conveyed and by these presents do es grant, bargain, sell and convey unto
 the said part Y of the second part, herself, her heirs and assigns,
 all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette
 County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and
 Huie Road; running thence Northerly along the Easterly side of Huie Road and
 following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89°
 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to
 an iron pin found on the Northerly side of Davis Road; thence Southwesterly along
 the right of way of Davis Road, 1387.5 feet to Huie Road and the point of beginning;
 containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Fayette County, Georgia
 Real Estate Transfer Tax
 Paid 37.00 Date 5-29-71
 Clerk of Superior Court

FILED May 29 1971
 RECORDED 16-1 1971
W. B. Ballard 10 30
 AM
 CLERK SUPERIOR COURT

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and ap-
 purtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof
 of the said part Y of the second part, herself, her heirs and assigns, forever,
 IN FEE SIMPLE.

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

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

Signed, sealed and delivered in the
 presence of:

Jean D. Luperotte
 Witness

Notary Public, Georgia State at Large
 My Commission Expires Dec. 28, 1974.

(SEAL)

STARR REALTY CORPORATION

By: Shirley Starr (SEAL)
President

(SEAL)

QUIT-CLAIM DEED - Form 7 (11/70)

STATE OF GEORGIA, _____ County.

THIS INDENTURE, made this _____ day of _____ in the year of our
Lord One Thousand Nine Hundred and Seventy _____ Fourbetween SHIRLEY ANNE STARR of the first part,
and THOMAS T. POPE of the second part,WITNESSETH: That the said part Y of the first part for and in consideration of the sum
of ONE AND NO/100 - - - Dollars,cash in hand paid, the receipt of which is hereby acknowledged, has _____ bargained, sold and done as
by these presents bargain, sell, remise, release, and forever quit-claim to the said part Y of the
second part, himself, his _____ heirs and assigns, all the right, title, interest, claim or
demand which the said part Y of the first part has or may have had in and to all that tract or
parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia,
and being more particularly described as follows:

BEGINNING at an iron pin placed on the East side of Huiet Road, said pin being located
1045.7 feet North of the Northeast intersection of Huiet Road and Davis Road as
measured along the East side of Huiet Road; running thence Northerly along the East
side of Huiet Road, Four Hundred Ninety Eight and Five-tenths (498.5) feet to an iron
pin placed; thence North 89° 16' East, One Thousand Four Hundred Thirty Two (1432) feet
to an iron pin found; thence South 00° 59' East, Four Hundred Ninety One and Eight-
tenths (491.8) feet to an iron pin placed; thence South 89° 16' West, One Thousand Four
Hundred Fifty Four and Four-tenths (1454.4) feet to an iron pin placed on the East
side of Huiet Road and the Point of beginning.

with all the rights, members and appurtenances to the said described premises in anywise appertaining
or belonging.TO HAVE AND TO HOLD the said described premises unto the said part Y of the second
part himself, his _____ heirs and assigns, so that neither the said part Y of the first part
nor herself, her _____ heirs, nor any other person or persons claiming under her
shall at any time, claim or demand any right, title or interest to the aforesaid described premises or
its appurtenances.IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her
hand and affixed her seal the day and year above written.

Signed, sealed and delivered in presence of

Public

Commission Expires: 11/1/75

Shirley Anne Starr

Shirley Anne Starr

12-4-74
12-7-74
(Seal) 30
10 PM

AFTER RECORDING RETURN TO:
 JOHN M. McCARTER
 Attorney at Law
 P. O. Box 45402-Airport Branch
 Atlanta, GA 30320-0402

FILED & RECORDED
 FAYETTE COUNTY, GA.
 '99 DEC 22 AM 10 59
 W.A. BALLARD, CLERK

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, Made the 10th day of December, in the year one thousand nine hundred and ninety nine between

THOMAS T. POPE

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

MILDRED M. POPE & THOMAS T. POPE, as "Joint Tenants"

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 (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land described on Exhibit "A" attached hereto and made a part hereof.

FAYETTE COUNTY, GEORGIA
 REAL ESTATE TRANSFER TAX PAID 10-
 DATE 12-22-99
 W.A. Ballard
 CLERK OF SUPERIOR COURT

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

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

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

Signed, sealed and delivered
 in the presence of:

John D. Leinhardt
 Witness

Thomas T. Pope (Seal)
 Thomas T. Pope

[Signature]
 Notary Public, Lamar County, Georgia
 My Commission expires: Jan. 16, 2003.
 (Seal)

BOOK 1458 PAGE 439

Book: 1458 Page: 439 Seq: 1

BOOK 1458 PAGE 440

EXHIBIT "A"

ALL THAT TRACT or parcel of land with all buildings and improvements thereon lying and being in Land Lot No. 218 of the 13th Land District of Fayette County, Georgia and being Lot No. 26, Block 201, Section Two of Newton Plantation as described upon a certain map or plat by C. E. Lee, Surveyor, recorded in Plat Book 4, page 43, Fayette County Deed Records and being more particularly described as follows:

BEGINNING at a point at the intersection of the South right of way line of Plantation Drive and the West right of way line of Plantation Circle as shown on the above described plat and from said point of beginning, running thence South along the West right of way line of said Plantation Circle a distance of 1482 feet to the line separating Lot No. 13 and Lot No. 14 of said block, section and subdivision; continuing along the same side of said right of way of Plantation Circle but in an Easternly direction at a right angle to the preceding course, 1625 feet to an iron pin at the Northeast corner of Lot No. 25 of said block, section and subdivision from the point of beginning thus determined; running thence South 265 feet along the East side of Lot No. 25 to an iron pin; thence East a distance of 200 feet to the West corner of Lot No. 27; thence Northwesterly 269.5 feet along the West side of Lot No. 27 to Plantation Circle; thence West along Plantation Circle a distance of 150 feet to the point of beginning.

ALL THAT TRACT or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huie Road; running thence Northerly along the Easterly side of Huie Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huie Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Doc ID: 008642670001 Type: ESTD
 Recorded: 08/29/2011 at 08:00:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 3788 PG 453

EXECUTOR'S DEED OF ASSENT

James F. Biles
 245 Mimosa Drive
 Fayetteville, GA 30214

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made this 27th day August, 2011, between **ANDREA POPE CAMP** as Executor of the Estate of **MILDRED MERONEY POPE**, deceased, of Fayette County, Georgia, Party of the First Part, and **ANDREA POPE CAMP**, hereinafter called Party of the Second Part.

WITNESSETH:

The First Party is the duly qualified and acting Executor of the Estate of **MILDRED MERONEY POPE**, who died seized and possessed of the property hereunder described. Said executor was appointed in the Probate Court of Fayette County, Georgia. The Order of the Probate Court admitted the Will to record in solemn form on July 19, 2011. Under the terms of the appointment the Executor is authorized to transfer said property to Party of the Second Part.

NOW THEREFORE, under and pursuant to the authority conferred upon her, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the First Party hereby grants, bargains, sells and conveys unto the Second Party, her heirs and assigns, the deceased's interest in the following described real property situated in Fayette County, Georgia:

ALL THAT TRACT or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89 degrees 16 minutes East, 1432 feet to an iron pin found; thence 0 degrees 59 Minutes East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

TO HAVE AND TO HOLD the same unto the Party of the Second Part, her heirs and assigns.

And the Party of the First Part does warrant that the deceased had good title to said property and does hereby warrant the title unto the Party of the Second Part, and will defend the same against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Party of the First Part has caused these presents to be executed and has hereunto set her hand and seal, the day and year first above-written.

Signed, sealed and delivered
 In the presence of:

James F. Biles
 Notary Public
 FAYETTE COUNTY, GEORGIA
 NOVEMBER 1, 2011

Andrea Pope Camp
 ANDREA POPE CAMP, Executor of the
 Estate of MILDRED MERONEY POPE,
 Deceased

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right-of-way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.



REZONING APPLICATION

TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

A COMPLETE REZONING APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT BY 12:00 NOON ON THE TENTH (10th) DAY OF THE MONTH 2 MONTHS PRIOR TO HEARING DATE.

If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day (see Hearing Schedule on page 2).

Yield Plan: The Conservation Subdivision (C-S) and Estate Residential District (EST) zoning districts require a Yield Plan to be submitted prior to the Rezoning Application. The Yield Plan must be submitted via the County's online plan review program by 12:00 noon on the tenth day of the month. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. If a Yield Plan is in review and all departmental comments have not been addressed and approved by the advertising deadline, the application will be delayed until the next month for which it can be properly advertised. Please request a Yield Plan checklist.

Fayette County Planning and Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770- 305-5421
E-mail: zoning@fayettecountyga.gov

REZONING APPLICATION FILING FEES (per parcel being rezoned)

(based on number of acres to be rezoned)

0 to 5 Acres	\$250.00*
6 to 20 Acres	\$350.00*
21 to 100 Acres	\$450.00*
101 or more Acres	\$550.00*

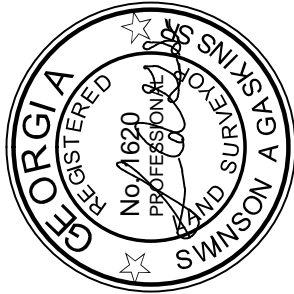
\$450
\$40 (2x20)
\$490

*An additional \$20.00 deposit is required (per public hearing sign posted on property). If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. **The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.** Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 30 days before scheduled Planning Commission public hearing).

A submittal that is missing any required documents, or that has inaccurate or out-of-date documents, is not considered a complete application, and may be moved to a later meeting date. Please refer to the checklist on page 10 for a list of required documents.



Job No. 19-047	
Drawn By: R.D.C.	Reviewed By: R.M.B.
Issue Date: 07/08/24	
F.W.P.D.: N/A	Date
Revisions	



OWNER: ANDREA POPE CAMP ~ DEED BOOK 3788, PAGE 453
SITE AREA = 41.78 ACRES
TAX PARCEL NO. 0703 012
EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL
LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL - 2 (1 UNIT/2 ACRES)
PROPOSED ZONING: R-75 SINGLE-FAMILY RESIDENTIAL
MINIMUM LOT SIZE = 2.00 ACRES
SETBACKS: FRONT - 100' ARTERIAL
FRONT - 75' COLLECTOR
FRONT - 50' LOCAL
SIDE - 25'
REAR - 50'
MINIMUM HOUSE SIZE 2500 SQ. FT.
MINIMUM LOT WIDTH AT BUILDING LINE: 125'
EXISTING WATERLINE LOCATED AT THE NORTHWEST CORNER OF THIS SITE.
BOUNDARY SURVEY INFORMATION TAKEN FROM DEED BOOK 3788, PAGE 453 AND FROM QPUBLIC.NET, FAYETTE COUNTY, GA. WEBSITE.
DAVIS ROAD AND HUIET ROAD ARE CLASSIFIED AS A COLLECTOR ROAD ON THE FAYETTE COUNTY THOROUGHFARE PLAN. PURSUANT TO CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE CODE OF FAYETTE COUNTY, GA. A MINIMUM RIGHT-OF-WAY OF 80 FEET IS REQUIRED FOR A COLLECTOR ROAD.
THE FINAL DESIGN WILL BE BASED ON A CURRENT BOUNDARY SURVEY, A LEVEL III SOILS ANALYSIS AND A 2 FOOT CONTOUR TOPOGRAPHICAL SURVEY.

Wednesday, August 14, 2024

Fayette County News **B3**

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, Sep-
tember 5, 2024, at 7:00 P.M., and
before the Fayette County Board of
Commissioners on Thursday, Sep-
tember 26, 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.: 1355-24

Owner/Agent: Andrea Pope Camp
& Jordan Camp/

Randy M. Boyd, Agent

Existing Zoning District: A-R

Proposed Zoning District: R-75

Parcel Number: 0703 012

Area of Property: 41.78 acres

Proposed Use: Residential

Land Lot(s)/District: Land lot 28
of the 7th District

Fronts on: Davis Road and Huiet
Drive

Request: Rezone from A-R to R-75
for the purposes of creating addi-
tional lots without any new infra-
structure.

PROPERTY DESCRIPTION

EXHIBIT "A"

ALL THAT TRACT or parcel of land
lying and being In Land Lot 28 of
the 7th District of Fayette County,
Georgia, and being more particu-
larly described as follows : BEGIN-
NING at an iron pin found marking
the Northeast intersection of Davis
Road and Huiet Road; running
thence Northerly along the Easter-
ly side of Huiet Road and following
the curvature thereof, 1554.4 feet to
an iron pin found; thence North 89
0 16 r East, 1432 feet to an Iron pin
found; thence South 0 0 59' East,
1045.7 feet to an iron pin found on
the Northerly side of Davis Road;
thence Southwesterly along the
right of way of Davis Road, 1387.5
feet to Huiet Road and the point of
beginning; containing 41.78 acres
as per survey of Richard T. Conner,
dated November 3, 1970.

08/14

BID NOTICE

Fayette County, Georgia invites you
to submit a bid for construction of
a multiuse tunnel under Redwine
Road. Bids will be received until
3:00pm on Wednesday, Septem-
ber 4, 2024. For the complete list
of specifications, requirements
and other relevant information,
Invitation to Bid #2455-B Starrs
Mill School Tunnel Construction
are available for download on the
Fayette County website at: [http://
www.fayettecountyga.gov/pur-
chasing/quotes_and_proposals.
htm](http://www.fayettecountyga.gov/purchasing/quotes_and_proposals.htm) or email Sherry White at

swhite@fayettecountyga.gov.

08/14,21

COUNTY AGENDA REQUEST

Page 169 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-175. - Special Use of Property.

Background/History/Details:

In accordance with amendments to the State Zoning Procedure Laws, staff is presenting a recommendation to delete Sec. 110-175.(2)a., deleting Drug abuse treatment facility as a Special Use of Property, in its entirety, to be replaced by:

a. Reserved.

The Planning Commission heard this proposed amendment on September 5, 2024, and recommended APPROVAL of the amendment to Sec. 110-175.(2)a., to delete Drug abuse treatment facility as a Special Use of Property; to be replaced by:

a. Reserved.

What action are you seeking from the Board of Commissioners?

Approval of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-175. - Special Use of Property.

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: TA-0003-24**REQUESTED ACTION:** Amend Sec. 110-175

In accordance with amendments to the State Zoning Procedure Laws, staff is presenting a recommendation to delete Sec. 110-175.(2)a., deleting Drug abuse treatment facility as a Special Use of Property, in its entirety, to be replaced by:

- a. Reserved.

Please refer to the following page for a redline version of this amendment.

STAFF RECOMMENDATION: Staff recommends approval of this amendment.

PLANNING COMMISSION PUBLIC HEARING: The Planning Commission heard this proposed amendment on September 5, 2024, and recommended **APPROVAL** of the amendment to Sec. 110-175.(2)a., to delete Drug abuse treatment facility as a Special Use of Property.

BOARD OF COMMISSIONERS PUBLIC HEARING: September 26, 2024

STAFF RECOMMENDATION FOR A TEXT AMENDMENT:

TA-0003-24 -- In accordance with amendments to the State Zoning Procedure Laws, staff is presenting a recommendation to delete Sec. 110-175. (2) a., deleting Drug abuse treatment facility as a Special Use of Property, in its entirety, to be replaced by:

- a. Reserved.

Sec. 110-175. Special use of property.

Special uses of property include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a permit for a special use of property for each use listed below upon compliance with all specified conditions and approvals by the appropriate state and county officials.

(1) *Special regulations.* Prior to issuance of a special use of property permit and/or a building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all special uses of property allowed within the various zoning districts.

(2) *Special uses of property allowed.*

- a. Reserved.

~~a. Drug abuse treatment facility. Allowed in the O-I zoning district.~~

~~1. Minimum lot size: three acres.~~

~~2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.~~

~~3. A minimum 50-foot vegetated buffer with a four-foot decorative fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property.~~

~~4. All building setbacks shall be measured from the required buffers.~~

~~5. Minimum setbacks:~~

~~i. Front yard: 100 feet~~

~~ii. Side yard: 50 feet~~

~~iii. Rear yard: 50 feet~~

~~6. The facility shall also be approved and licensed by the Georgia Department of Community Health.~~

~~7. The use shall meet the public notice and public hearing requirements as set forth in O.C.G.A. § 36-66-4(f).~~

(Ord. No. 2023-06, § 1, 7-27-2023; Ord. No. 2023-07, § 1, 7-27-2023)

Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 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 *[absent]*
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

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

**_____
DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

Wednesday, August 14, 2024

Fayette County News **B3**

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

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on September 5,
2024, at 7:00 P.M. and before the
Fayette County Board of Commis-
sioners on September 26, 2024,
at 5:00 P.M. in the Fayette Coun-
ty Administrative Complex, 140
Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

CONSIDERATION OF AMEND-
MENTS TO CHAPTER 110. ZON-
ING ORDINANCE, REGARDING
ARTICLE V. - CONDITIONAL
USES, NONCONFORMANC-
ES, AND TRANSPORTATION
CORRIDOR OVERLAY ZONE.

SEC. 110-175. - SPECIAL USE OF
PROPERTY.

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

This 14th day of August 2024.

Deborah Bell, Director
Planning and Zoning

08/14

COUNTY AGENDA REQUEST

Page 183 of 358

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, September 26, 2024

Type of Request: Public Hearing #5

Wording for the Agenda:

Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-169. - Conditional Use Approval. to add Sec. 110-169,(2)s-1. drug abuse treatment facility as a conditional use in the O-I district.

Background/History/Details:

Staff is presenting a recommendation to add Sec. 110-169.(2)s-1. – Drug abuse treatment facility as a Conditional Use in the O-I (Office-Institutional) Zoning District. This will retain drug abuse treatment facilities as a use since it is removed from Special use of property.

(2) Conditional uses allowed. s-1. Drug abuse treatment facility. Allowed in the O-I zoning district.

1. Minimum lot size: three acres. 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare. 3. A minimum 50-foot vegetated buffer w/a four-foot decorative fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property. 4. All building setbacks shall be measured from the required buffers. 5. Minimum setbacks: i. Front yard: 100 feet. ii. Side yard: 50 feet. iii. Rear yard: 50 feet.

The Planning Commission heard this proposed amendment on September 5, 2024, and recommended APPROVAL of the amendment to Sec. 110-169,(2)s-1.

What action are you seeking from the Board of Commissioners?

Approval of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-169. - Conditional Use Approval. to add Sec. 110-169,(2)s-1. drug abuse treatment facility as a conditional use in the O-I district.

If this item requires funding, please describe:

Not applicable.

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 Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

PETITION NO: TA-0004-24

REQUESTED ACTION: Amend Sec. 110-169

Staff is presenting a recommendation to add Sec. 110-169.(2)s-1. – Drug abuse treatment facility as a Conditional Use in the O-I (Office-Institutional) Zoning District.

(2) Conditional uses allowed.

s-1. *Drug abuse treatment facility.* Allowed in the O-I zoning district.

1. Minimum lot size: three acres.
2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
3. A minimum 50-foot vegetated buffer with a four-foot decorative fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property.
4. All building setbacks shall be measured from the required buffers.
5. Minimum setbacks:
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 50 feet

Please refer to the following pages for a redline version of this amendment.

STAFF RECOMMENDATION: Staff recommends approval of this amendment.

PLANNING COMMISSION PUBLIC HEARING: The Planning Commission heard this proposed amendment on September 5, 2024, and recommended **APPROVAL** of the amendment to Sec. 110-169., to add Sec. 110-169.(2)s-1. Drug abuse treatment center as a Conditional Use.

BOARD OF COMMISSIONERS PUBLIC HEARING: September 26, 2024

STAFF RECOMMENDATION FOR A TEXT AMENDMENT:

TA-0004-24 -- Staff is presenting a recommendation to add Sec. 110-169.(2)s-1 - Drug abuse treatment facility as a Conditional Use in the O-I (Office-Institutional) Zoning District (please refer to pages 13-14 of this document).

Sec. 110-169. Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

(1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.

(2) *Conditional uses allowed.*

a. *Adult day care facility.* Allowed in the C-C, C-H, and O-I zoning districts and church or other place of worship (see article V of this chapter).

1. The facility shall comply with all applicable licensing requirements of the state.

2. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.

b. *Aircraft landing area.* Allowed in the A-R, M-1, and M-2 zoning districts. The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.

1. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.

2. For any newly developed landing area for fixed wing aircraft, a 1,000-foot clear zone as defined by the FAA extending from the end of all runways shall be maintained through ownership or easement, and in no case, shall the end of a runway be closer than 200 feet from the property line.

3. Any newly developed landing area for fixed wing aircraft shall be located at least 300 feet, as measured from the centerline of the runway, from all property lines.

4. Any on-site roofed structure shall be set back at least 200 feet from the nearest point on the centerline of the runway.

5. Heliport. These regulations shall not apply to a hospital which maintains a heliport for medical purposes.

(i) FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.

(ii) A site plan, prepared by a registered surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

(iii) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.

6. Aircraft hangar. Allowed in the A-R, M-1 and M-2 zoning districts.

(i) An aircraft hangar shall comply with all of the criteria of subsection (2)b.1 through 5 of this section.

(ii) Use of an aircraft hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An aircraft hangar shall not include any living quarters or be used for residential purposes.

(iii) In the A-R zoning district, on lots of less than ten acres in size, there shall be a maximum of one detached hangar allowed.

7. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.

8. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:

(i) A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.

(ii) A detached hangar shall not be constructed prior to construction of the single-family dwelling.

(iii) A detached hangar shall be located to the side or rear of the principal dwelling.

(iv) A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.

c. *Amphitheater*. Allowed C-H and M-1 zoning districts.

1. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends.

2. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.

3. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.

d. *Animal hospital, kennel, and/or veterinary clinic.* Allowed in A-R, C-C, C-H, and M-1 zoning districts. All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.

e. *Animal hospital and/or veterinary clinic.* Excludes commercial and noncommercial kennel. Allowed in O-I zoning district. All structures shall not be located closer than 55 feet (30-foot buffer and 25-foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed except during the convalescent period.

f. *A-R bed and breakfast inn.* Allowed in the A-R zoning district.

1. Minimum lot size: ten (10) acres.

2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

3. Ownership.

i. If the A-R bed and breakfast inn is not owned by a corporation or partnership, the A-R bed and breakfast inn operator shall be the owner/occupant of the property.

ii. If the property and the A-R bed and breakfast inn business are owned by a corporation or partnership, the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.

4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.

5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.

6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

g. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility. Allowed in the A-R zoning district.

1. Minimum lot size: fifteen acres.
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements," of the county development regulations.
6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized in association with weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the environmental health department.
9. Food service shall meet all state and local requirements.
10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section 110-169 and Article VI, pertaining to "Tourist Accommodations," of Chapter 8 of the County Code.
11. Tents shall require county fire marshal approval, as applicable.

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

h. Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store. Allowed in C-C and C-H zoning districts.

1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
3. A dynamometer shall not be utilized in conjunction with outside emission testing.

i. Campground facilities. Allowed in the C-H zoning district.

1. Campsites shall be utilized by recreational vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).
2. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling.
3. Campground facilities shall be permitted only on a lot which fronts on a major thoroughfare (as designated by the county thoroughfare plan). All access is limited to the major thoroughfare only.
4. The lot area shall be at least ten acres.
5. The maximum density shall not exceed four campsites per gross acre.
6. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility casements, and signs (see chapter 108).
7. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (i) Front yard: 75 feet.
 - (ii) Side yard: 25 feet.

(iii) Rear yard: 25 feet.

8. At least ten percent of the gross acreage shall be reserved for recreational areas.

9. Accessory uses shall be allowed provided that the following requirements are met:

(i) Such uses and structures shall be restricted to the use of occupants of the park and their guests.

(ii) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections (2)h.6 and 7 of this section.

(iii) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.

(iv) Total floor area for all structures listed in subsection (2)h.9(iii) of this section shall not exceed 3,000 square feet.

(v) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.

10. The site plan for the proposed campground (including all accessory structures) shall be approved by the county environmental health department.

j. *Care home, convalescent center and/or nursing home.* Allowed in the C-C, C-H, and O-I zoning districts.

1. Minimum lot size: three acres.

2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.

3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer.

4. Minimum setbacks:

(i) Front yard: 100 feet.

(ii) Side yard: 50 feet.

(iii) Rear yard: 50 feet.

5. The facility shall comply with all licensing requirements of the state.

6. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one seating, and central recreational facilities shall be provided.

7. Twenty-four-hour staff shall be required.

8. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e., hallways, corridors, etc.).

k. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.

1. *Human cemetery.*

(i) The facility shall comply with all requirements of the state.

(ii) Minimum lot area shall be ten acres.

(iii) A crematorium or mausoleum/columbaria shall be allowed only in conjunction with a cemetery.

(iv) A crematorium shall be set back 300 feet from all property lines.

(v) Allowed uses and/or structures incidental to a cemetery shall include a funeral establishment building/office (where funeral services may be provided), maintenance/storage building, pavilion, chapel, restroom facility and statues/monuments.

(v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

(vi) Landscape areas shall be required and planted in accordance with chapter 104.

(vii) Graves for pets shall meet the requirements of subsection (2)k.2(ii), (iii) and (iv) of this section.

2. *Pet cemetery.*

(i) Minimum lot area shall be five acres.

(ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.

(iii) The remains shall be a minimum of three feet below the grade.

(iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.

(v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.

(vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.

(vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts

property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

(viii) Landscape areas shall be required and planted in accordance with chapter 104.

l. *Charter motor coach service.* Allowed in C-H zoning district.

1. All motor coaches shall be parked to the rear of the principal structure.
2. All motor coaches shall be screened in accordance with article III of this chapter.
3. Overhead bay doors shall not be open to the street.
4. The following uses shall be allowed: administrative office, passenger pickup, and storage of motor coaches.
5. On-site maintenance/repairs are prohibited.

m. *Child care facility.* Allowed in C-C, C-H, O-I, A-R, and MHP zoning districts, and church and/or other place of worship.

1. The facility shall comply with all applicable licensing requirements of the state.
2. Outdoor play areas shall be located to the side or rear of the principal building.
3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
4. A fence measuring at least four feet in height shall enclose the entire play area.
5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.

7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.

8. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.

n. *Church and/or other place of worship.* Allowed in O-I, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.

2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.

3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).

(i) Front yard: 100 feet.

(ii) Side yard: 50 feet.

(iii) Rear yard: 75 feet.

5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.

6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.

7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).

8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).

9. Landscape areas shall be required in accordance with chapter 104.

10. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.

12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

(i) The pavilion shall be constructed following the construction of the main sanctuary building;

(ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and

(iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.

o. College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium. Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.

1. The lot area shall be at least ten acres.

2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.

3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:

(i) Front yard: 100 feet.

(ii) Side yard: 50 feet.

(iii) Rear yard: 75 feet.

5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.

6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.

p. *Commercial driving range and related accessories.* Related accessories limited to: putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. Allowed in C-C, C-H, and A-R zoning districts.

1. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.

2. All greens, fairways, and driving areas shall be set back at least 50 feet from any nonresidential zoning district.

3. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multifamily residence, provided that lighting is not directly visible from said residence.

4. No outside loudspeaker system shall be utilized.

q. *Convenience commercial establishment.* Allowed in the L-C-2 zoning district.

1. Maximum floor area: 3,500 square feet.

2. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan. Properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone.

3. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.

4. Underground storage tanks shall be set back at least 20 feet from all property lines.

5. The number of gasoline pumps shall be limited to no more than six with a total of 12 pumping stations.

r. *Deer processing facility.* The facility shall only be utilized for deer processing. The facility shall not be utilized for the processing of livestock or other wild game. Allowed in the A-R zoning district.

1. Minimum lot size: five acres;

2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer. Sale of the processed venison to the general public shall be prohibited. This provision shall not prohibit the processing of meat in conjunction with the department of natural resources' "Hunters for the Hungry" program;

3. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see sec. 110-169(u));

4. The deer processing facility shall have a current Wildlife Storage Permit from the state department of natural resources, wildlife resources division;

5. The deer processing facility shall have a NPDES permit, as applicable, from the environmental protection division of the state department of natural resources and said permit shall be filed with the department of environmental management;

6. All deer processing waste, not being routed to a rendering plant or other vendors, shall be disposed of in compliance with the guidance document Disposal of Deer Processing Waste from the state department of natural resources, environmental protection division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in municipal solid waste landfills (MSWL). The burial of any deer processing waste is prohibited;

7. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with article VIII. Off-street parking and service requirements of the development regulations. Graveled parking areas shall be

exempt from nonresidential development landscape requirements of the county development regulations, but shall provide the following:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the nonresidential development landscape requirements of the county development regulations.

8. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale, on a survey of the lot depicting all buildings utilized for the processing facility, parking area, drop-off area/circulation pattern and any waste containment facilities/structures shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks, as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a deer processing facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (sec. 110-173) with the exception of the architectural standards.

s. Developed residential recreation/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic areas. Allowed in subdivisions in the A-R, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20. DR-15, PUD-PRD and C-S zoning districts, with final plat or minor subdivision plat approval.

1. Lot area: Per zoning district.
2. Said area shall be shown on the preliminary plat and final plat or minor subdivision plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
3. Landscape areas shall be required and planted in accordance with chapter 104.
4. In addition to the required landscape areas, a six-foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with side yard requirements in chapter 104.
5. Paved parking area is required per chapter 104.
6. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.

s-1. Drug abuse treatment facility. Allowed in the O-I zoning district.

1. Minimum lot size: three acres.
2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
3. A minimum 50-foot vegetated buffer with a four-foot decorative fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property.
4. All building setbacks shall be measured from the required buffers.
5. Minimum setbacks:
 - i. Front yard: 100 feet
 - ii. Side yard: 50 feet
 - iii. Rear yard: 50 feet

t. *Dry cleaning plant.* Allowed in the C-C and C-H zoning districts.

1. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc., standard of classification known as Class I systems shall be prohibited;
2. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc., standard classification, known as Class II and Class III systems, shall meet all requirements of the National Fire Safety Association Code;
3. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
4. Fuel for operation of the equipment shall be smokeless fuel; and
5. Central water and central sanitary sewage systems are required. This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.

u. *Experimental labs.* Allowed in the C-H, M-1, and M-2 zoning districts.

1. Minimum lot area: three acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
2. Said use shall comply with all applicable state and/or federal licensing requirements.

v. *Farm outbuildings, including horse stables, auxiliary structures, and greenhouses.* Allowed in the A-R zoning district. These aforementioned buildings/structures shall be exempt from Sec. 110-79, pertaining to "Residential accessory structures and their uses".

1. *Farm outbuilding.* All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes.

2. *Greenhouses.* All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials.

3. *Horse stables.* All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses.

4. *Auxiliary structures.* All structures permitted in this category shall comply with the following:

(i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.

(ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.

(iii) Commercial/retail activity shall not be permitted.

(iv) An auxiliary structure shall not be utilized in conjunction with a home occupation.

5. Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and greenhouses.

6. Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.

7. Lot size two to less than five acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.

8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity. A farm outbuilding, auxiliary structure or horse stable may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. Said guesthouse shall meet all applicable building codes. Only one guesthouse is allowed per individual lot (see also section 110-79). A guesthouse shall not be used as tenant space. Farm outbuildings, auxiliary structures, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.

x. *Feed lot and/or commercial barn.* Barns and feed lots shall be located at least 100 feet from all property lines. Allowed in the M-1 zoning district.

x. *Golf course (minimum 18-hole regulation) and related accessories.* Related accessories are limited to: putting green, chipping green, sand trap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. Allowed in the C-C, C-H, and A-R zoning districts.

1. Said facilities shall be for daytime use only.
2. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
3. No outside loudspeaker systems shall be utilized.

y. *Heavy manufacturing, packaging, processing or handling of materials.* (Allowed in the M-2 zoning district) Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.

z. *Home occupation.* Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.

1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.

7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.

8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.

9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.

10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.

11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.

12. *In-home beauty salon or barbershop.* An in-home beauty salon or barbershop shall be limited to one chair and shall be subject to the department of environmental health's approval. It shall also comply with 4 above, in regards to the number of customers.

13. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.

aa. *Horse quarters in residential zoning districts.* Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD zoning districts.

1. Minimum lot size: ten acres.

2. Minimum side yard setback: 50 feet.

3. Minimum rear yard setback: 75 feet.

4. Horse quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, horse quarters may be constructed prior to the principal residential structure.

5. Horse quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.

6. Only one horse quarter structure shall be permitted and shall not be counted as an accessory structure.

7. Riding lessons and boarding are prohibited.

8. Number of horses (see article III of this chapter).

bb. *Horse show, rodeo, carnival, car show, and/or community fair or festival.* Allowed in the A-Rand C-H zoning districts. Private social gatherings (i.e., birthday party, wedding reception) that do not charge admission or advertise to the general public are not subject to this section.

The following requirements shall apply:

1. No single event may exceed three days in duration and be conducted not more than once per calendar quarter, excluding preparation and cleanup. No events may be held at a location for more than five consecutive days.

2. Schematic site plan showing event activity areas, parking & traffic circulation must be included with the application. Off-street parking is required. Site plan shall also address noise abatement concerns by strategically locating noisy activities to minimize their impact on adjacent properties.

3. All events are subject to the county's noise control ordinance.

4. Depending on the size and use of the element, tents, temporary structures such as stages and other elements may require building and electrical permits and/or fire marshal approval.

5. Events and event activities, including all productions and shows, shall end at 10:00 p.m.

6. Production and entertainment lighting shall not be permitted after 10:00 p.m. This restriction does not apply to safety and security lighting.

7. Safety plan, including emergency access points, on-site first aid station, fire safety plan, law enforcement communications and coordination, and off-site traffic management, as necessary.

8. Sanitation plan, including restroom facilities, trash collection & post-event cleanup.

9. Food services require approval from the department of environmental health.

10. Events that charge admission fees or sell admission tickets shall be considered a commercial business activity and shall obtain an appropriate occupational tax certificate with the county.

11. Applications for events shall be submitted at least 60 days prior to the proposed event but not more than six months prior to the proposed event date.

cc. *Hospital.* Allowed in the C-C, C-H, O-I, and A-R zoning districts.

1. Minimum lot size: ten acres.

2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.

3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

4. Minimum setbacks:

(i) Front yard: 100 feet.

(ii) Side yard: 50 feet.

(iii) Rear yard: 50 feet.

5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.

6. Heliport.

dd. *Junkyard and/or auto graveyard*. Allowed in the M-2 zoning district.

1. Minimum lot size: ten acres.

2. Maximum site area: 25 acres.

3. A minimum 100-foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.

4. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R zoning districts.

ee. *Kennel*. See animal hospital, kennel (commercial or noncommercial) and/or veterinary clinic.

ff. *Landfill*. Allowed in the M-2 zoning district.

1. Minimum lot size: 20 acres.

2. A minimum 100-foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.

3. Landfill operations shall be set back at least 200 feet from a major thoroughfare as designated by the county thoroughfare plan.

4. The landfill shall comply with all of the state and federal requirements.

5. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.

gg. *Laundromat, self-service or otherwise.* Allowed in the C-C and C-H zoning districts. Central water and central sanitary sewage systems are required.

hh. *Mining and/or quarrying.* Allowed in the M-2 zoning district.

1. Ingress and egress to and from the facility shall be limited to an arterial as designated by the county thoroughfare plan.

2. A minimum 100-foot buffer shall be required adjacent to residential or A-R zoning districts.

3. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R zoning district.

4. All activity involving blasting or the operating of machinery shall be limited to daylight hours.

5. The operation shall comply fully with all of the state and federal requirements.

ii. *Non-emergency medical transport service.* Allowed in the O-I zoning district.

1. The service shall comply with all licensing requirements of the state.

2. Parking of all medical transport vehicles is allowed in the side and/or rear yard only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, or other architecturally engineered facades which match these materials and shall be a minimum height of eight feet.

3. No on-site vehicle maintenance or fueling facilities are allowed.

jj. *Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping.* Allowed in the C-H and M-1 zoning districts.

1. Where applicable, all state codes, rules, and regulations shall apply. Verification that state requirements are met shall accompany the application for a conditional use permit.

2. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.

3. Any structure, ride, etc., erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.

4. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six-foot-high fence with a locked gate when the facility is not in use. A four-inch sphere shall not be able to pass through any section of the fence or gate.

5. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.

kk. *Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium.* Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.

1. Minimum lot size: five acres.

2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.

3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in section 110-169: Cemetery, human or pet, child care facility, church and/or other place of worship, college and/or university, hospital, private school, or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

4. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.

5. Student drop-off and vehicular turn-around facilities shall be provided on the site.

6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.

8. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

(i) The pavilion shall be constructed following the construction of the main school building;

(ii) The floor area cannot exceed 40 percent of the square footage of the main school building; and

(iii) The pavilion may not be lighted or used after 10:00 p.m. If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 40 percent of the main school building square footage.

ll. *Processing, packaging or handling of perishable agricultural products grown on premises (i.e., fruits and vegetables).* Allowed in the A-R zoning district.

1. Minimum lot area: five acres.
2. All structures shall be set back at least 100 feet from any property line.
3. No structure shall exceed 5,000 square feet of floor area (interior measurements).
4. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.

mm. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.

7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.

nn. *Religious tent meeting*. Allowed in A-R, C-C, C-H, and O-I zoning districts.

1. Said meetings shall not exceed 14 days per year at the same site.

2. Tents shall require the approval of the county fire marshal.

3. Off-street parking areas shall be required.

4. All activities shall cease by 10:00 p.m.

oo. *Recycling facility*. Allowed in the M-1 zoning district.

1. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.

2. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.

3. All outside storage of recyclable materials shall be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.

4. All outside storage areas shall be totally screened according to chapter 104. Storage bins cannot be a greater height than the screening.

pp. *Seasonal sales, outdoor*. Allowed in C-C and C-H zoning districts and church and/or other place of worship (see this article).

1. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R zoning district, which has a bona fide farming operation, is exempt from seasonal sales requirements;

2. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from article III of this chapter, except as provided herein;

3. Location of seasonal sales as outdoor displays, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;

4. Outdoor sales of seasonal agricultural products shall be limited to: natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, nuts, and natural plants;

5. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;

6. Off-street parking shall be required;

7. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by chapter 108 shall be submitted to the planning and zoning department; and

8. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the conditional use permit.

qq. *Self-storage facility (external and/or internal access).* Allowed in G-B, M-1 and C-H zoning districts.

1. Single story self-storage buildings may have exterior access to the individual storage units. This exterior access to shall not directly face a street.

Multistory self-storage buildings shall not have direct exterior access to individual storage units; all individual storage unit access shall be internal. A vehicle loading/unloading area utilizing a bay door and/or a loading dock shall only be located on the side or rear of the multistory self-storage building not facing a street. A vehicle loading/unloading area utilizing a bay door and/or a loading dock located on the side of the multistory self-storage building shall require a canopy covering the loading/unloading area.

2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone architectural requirements shall control when applicable.

3. The maximum size of an individual storage unit shall be 600 square feet.

4. The facility may contain one on-site single-family dwelling unit.

5. Aisle ways adjacent to storage unit bays doors shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.

6. No open outside storage of items, other than vehicles, boats, recreational vehicles and trailers, shall be allowed. Open storage of vehicles, boats, recreational vehicles and trailers, shall be located to the rear of the self-storage buildings. Covered vehicle storage structures shall be allowed provided they do not exceed 25 percent of the overall gross square footage of all storage buildings and shall maintain a similar architectural character of the principal self-storage buildings.

7. All outdoor lighting shall be shielded away from adjacent residential areas.

8. No exterior loudspeakers or paging equipment shall be permitted on the site.

rr. *Shooting range, outdoor.* Allowed in A-R and M-1 zoning districts.

1. The outdoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.

2. The outdoor shooting range shall meet all applicable state and federal regulations including, but not limited to: the state department of natural resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.

3. The outdoor shooting range shall meet the requirements of section 16-4 and chapter 16, article II.

ss. Single-family residence and residential accessory structures and/or uses. Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.

1. Said residence shall be a single-family detached residence.

2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.

3. All residential accessory structures shall comply with Sec. 110-79, pertaining to "Residential accessory structures and their uses".

tt. Stadium, athletic. Allowed in the C-H and M-1 zoning districts. The athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

uu. Temporary tent sales. Allowed in the C-C and C-H zoning districts.

1. Said tent sales shall not be operated longer than 28 calendar days per year;

2. Tents shall require the approval of the county fire marshal;

3. Off-street parking shall be required;

4. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;

5. Location of outdoor sales, as well as a temporary tent:

(i) Shall comply with zoning requirements for setbacks.

(ii) Shall be exempt from screening (see article III of this chapter), except where provided herein.

(iii) Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.

vv. Transfer station for household/commercial garbage and/or recyclable materials (including processing and handling). Allowed in the M-2 zoning district.

1. Minimum lot size: ten acres.

2. Transfer station operations shall be set back at least 200 feet from an arterial as designated by the county thoroughfare plan.

3. The transfer station shall comply with all licensing requirements of the state.

4. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.

ww. *Wind farm*. Allowed in the M-1 and M-2 zoning districts. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.

xx. *Vehicle/boat sales*. Allowed in C-C and C-H zoning district.

1. All vehicle/boat sales facilities must comply with the following conditions:

(i) All activities except sales shall be conducted indoors.

(ii) No outside storage of equipment or parts shall be permitted.

(iii) No external loudspeakers allowed.

2. A full range of repairs shall be allowed incidental to a sales use and shall comply with the following:

(i) All repair activities shall be conducted indoors.

(ii) No outside storage of equipment or parts shall be permitted.

(iii) All overhead doors shall face the side and/or rear yard or be screened from view from the street per article III of this chapter or utilizing vegetative materials.

(iv) All wrecked vehicles stored for repair shall be screened in accordance with article III of this chapter.

(v) Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

(vi) No external loudspeakers allowed.

(Code 1992, § 20-7-1; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-13, § 5, 12-13-2012; Ord. No. 2012-14, § 6, 12-13-2012; Ord. No. 2013-02, § 4, 4-25-2013; Ord. No. 2013-08, § 1, 7-25-2013; Ord. No. 2014-19, § 8, 12-11-2014; Ord. No. 2015-05, § 3, 3-26-2015; Ord. No. 2015-12, § 1, 10-22-2015; Ord. No. 2015-13, §§ 1—7, 12-10-2015; Ord. No. 2016-12, §§ 4, 5, 7-28-2015; Ord. No. 2016-15, § 4, 7-28-2016; Ord. No. 2017-04, § 7, 3-23-2017; Ord. No. 2018-03, §§ 16—19, 9-22-2018; Ord. No. 2018-11, §§ 7—9, 10-25-2018; Ord. No. 2020-02, §§ 14—19, 5-28-2020; Ord. No. 2021-05, § 4, 3-25-2021; Ord. No. 2021-06, § 2, 3-25-2021; Ord. No. 2021-09, § 7, 5-27-2021; Ord. No. 2024-01, § 1, 2-25-2024)

Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 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 *[absent]*
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

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

**_____
DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

Wednesday, August 14, 2024

Fayette County News **B3**

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

PUBLIC HEARING to be held before the Fayette County Planning Commission on September 5, 2024, at 7:00 P.M. and before the Fayette County Board of Commissioners on September 26, 2024, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

CONSIDERATION OF AMENDMENTS TO CHAPTER 110. ZONING ORDINANCE, REGARDING
ARTICLE V. - CONDITIONAL
USES, NONCONFORMANCES,
AND TRANSPORTATION CORRIDOR OVERLAY ZONE.

SEC. 110-169. - CONDITIONAL
USE APPROVAL.

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

This 14th day of August 2024.

Deborah Bell, Director
Planning and Zoning

08/14

COUNTY AGENDA REQUEST

Page 222 of 358

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, September 26, 2024

Type of Request: Public Hearing #6

Wording for the Agenda:

Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article IV. - District Use Requirements. Sec. 11-142. - O-I, Office-Institutional District to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to add (1) Reserved. by adding drug abuse facility as a conditional use in the O-I zoning district.

Background/History/Details:

In accordance with amendments to the State Zoning Procedure Laws, staff is presenting a recommendation to amend Sec. 110-142. – O-I, Office-Institutional District, to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to be replaced by:

(1) Reserved.

And by adding drug abuse treatment facility as a conditional use in the O-I zoning district as Sec. 110-142. (d)(13). (Please refer to pages 3 and 7 of this document for redline changes.)

The Planning Commission heard this proposed amendment on September 5, 2024, and recommended APPROVAL of the amendment to Sec. 110-142.(i)(1), deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to be replaced by: (1) Reserved.

And by adding drug abuse treatment facility as a conditional use in the O-I zoning district as Sec. 110-142. (d)(13).

What action are you seeking from the Board of Commissioners?

Approval of amendments to Chapter 110. Zoning Ordinance, regarding Article IV. - District Use Requirements. Sec. 11-142. - O-I, Office-Institutional District to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to add (1) Reserved. by adding drug abuse facility as a conditional use in the O-I zoning district.

If this item requires funding, please describe:

Not applicable.

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 Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

PETITION NO: TA-0005-24

REQUESTED ACTION: Amend Sec. 110-142

Staff is presenting a recommendation to amend Sec. 110-142. – O-I, Office-Institutional District, to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to be replaced by:

(i) *Special uses of property.* The following special uses of property shall be allowed in the O-I zoning district, provided that all conditions specified in article V of this chapter are also met:

(1) Reserved.

And by adding drug abuse treatment facility as a conditional use in the O-I zoning district as Sec. 110-142. (d)(13).

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

(13) Drug abuse treatment facility.

Please refer to pages 3 and 7 of the accompanying document for redline changes.

STAFF RECOMMENDATION: Staff recommends approval of this amendment.

PLANNING COMMISSION PUBLIC HEARING: The Planning Commission heard this proposed amendment on September 5, 2024, and recommended **APPROVAL** of the amendments to Sec. 110-142.

BOARD OF COMMISSIONERS PUBLIC HEARING: September 26, 2024

STAFF RECOMMENDATION FOR A TEXT AMENDMENT:

TA-0005-24 -- In accordance with amendments to the State Zoning Procedure Laws, staff is presenting a recommendation to amend Sec. 110-142. – O-I, Office-Institutional District, to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to be replaced by:

- (1) Reserved.

And by adding drug abuse treatment facility as a conditional use in the O-I zoning district as Sec. 110-142. (d)(13). (Please refer to pages 3 and 7 of this document for redline changes.)

Sec. 110-142. O-I, Office-Institutional District.

(a) *Description of district.* This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.

(b) *Permitted principal uses and structures.* The following permitted uses shall be allowed in the O-I zoning district:

- (1) Office;
- (2) Art gallery;
- (3) Bank and/or financial institution;
- (4) Banquet hall/event facility;
- (5) College and/or university, including classrooms and/or administration only;
- (6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
- (7) Health club and/or fitness center;
- (8) Hotel;
- (9) Insurance carrier, agent, and/or broker;
- (10) Laboratory, medical, and/or dental;
- (11) Legal services;
- (12) Massage therapy (see chapter 8);
- (13) Medical/dental office (human treatment);
- (14) Military recruiting office;
- (15) Museum;

(16) Performing arts theater;

(17) Private school, including classrooms and/or administration only;

(18) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and

(19) Real estate agent and/or broker.

(c) Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.

In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:

(1) Beauty shop and/or barbershop;

(2) Blueprinting;

(3) Cafeteria;

(4) Commercial art and/or drafting service;

(5) Day care facility;

(6) Delivery and/or messenger service;

(7) Drug store;

(8) Florist;

(9) Gift shop;

(10) Photocopying and/or reproduction;

(11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);

(12) Stenographic and/or typing service;

(13) Teleconferencing center; and

(14) Travel agency and/or ticket office.

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

(1) Adult day care facility;

- (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
- (3) Care home, convalescent center, and/or nursing home;
- (4) Church and/or other place of worship;
- (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
- (6) Child care facility;
- (7) Home occupation;
- (8) Hospital;
- (9) Non-emergency medical transport service;
- (10) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
- (11) Religious tent meeting; and
- (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).
- (13) Drug abuse treatment facility.

(e) Auxiliary conditional uses for an office building with a minimum of 10,000 square feet of floor area.

The following auxiliary permitted uses shall be allowed within the area with a land use designation of office as indicated on the county future land use plan map defined as that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the county community hospital district (hospital district). Such uses will support and shall be compatible with the county community hospital, the medical industry, and the development of the office and institutional uses planned for this area.

- (1) *Uses.* The following auxiliary conditional uses shall be allowed in the O-I zoning district:
 - a. Durable medical and rehabilitation equipment sales/rental (i.e., wheelchairs, crutches, etc.);
 - b. Pharmaceutical sales (for the purpose of filling prescriptions only);
 - c. Counter service restaurants, including but not limited to: a bakery, cafe, coffee shop, or deli. No drive-through, drive-in, or freestanding facilities shall be allowed;
 - d. Optical care center to include prescription eyeglass/contact lens sales;
 - e. Gift shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e., get well cards, etc.); and

f. Floral sales.

(2) Auxiliary conditional use limitations.

a. These auxiliary conditional uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.

b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.

(3) Architectural requirements.

a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the transportation corridor overlay zone shall not apply.

b. Elevation drawings shall be submitted as part of site plan approval.

(f) Dimensional requirements. The minimum dimensional requirements in the O-I zoning district shall be as follows:

(1) Lot area:

a. Where a central water distribution system is provided: 43,560 square feet (one acre).

b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (0.50 acre).

(2) Lot width: 125 feet.

(3) Outside storage shall not be permitted.

(4) Setbacks, yards adjoining rights-of-way:

a. Major thoroughfare:

1. Arterial: 75 feet.

2. Collector: 70 feet.

b. Minor thoroughfare: 55 feet.

(5) Setbacks, yards not adjoining rights-of-way:

a. Side yard: 15 feet.

b. Rear yard: 15 feet.

(6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.

(7) Height limit:

- a. 40 feet as defined in article I of this chapter.
- b. When a structure reaches a minimum height of four floors (including basements), it shall be sprinkled.

(8) Use of existing structure. When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

(9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

(g) *SR 74 North-East Side Special Development District.*

(1) The following will apply to the area identified in the county Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as special development district and office on the county future land use plan map. The purpose of this special development district is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are:

- a. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
- b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
- c. To protect existing and future residential areas in the SR 74 North corridor.

(2) The assemblage of parcels will be necessary in some areas to meet the intent of the special development district. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.

a. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:

- 1. Restaurants (no drive-through, drive-in, or freestanding facilities shall be allowed);
- 2. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- 3. Convenience store (no gasoline sales);

4. Blueprinting, graphic, and/or copying service;
5. Office and/or computer sales and/or service; and
6. Cellular phone/communication device sales and/or service.

(h) *State Route 54 West Special Development District.*

(1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five acres or greater.

(2) On parcels zoned O-I with a minimum of five acres the following expanded business uses are allowed:

- a. Businesses that supply services, equipment and/or resources to the film industry;
- b. Call center;
- c. Cellular phone/communication device sales and/or service;
- d. Computer technology service, sales and/or repair;
- e. Medical equipment sales, rental and/or repair;
- f. Restaurant (no drive-through or drive-in);
- g. Television/radio broadcasting studio, movie/music/media productions or telecommunications;
- h. Server farm/data center; and
- i. Internal access self-storage facility.

1. No direct exterior access to individual storage units shall be allowed; all individual storage unit access shall be internal and the maximum size of an individual storage unit shall be 600 square feet.

2. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the internal access self-storage

facility shall require a canopy. Vehicle loading/unloading bays may also be internal to the structure or between two structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.

3. Office, business and building contractor space with associated inside storage shall constitute a minimum of ten percent of the total building footprint area proposed for the internal access self-storage structure(s) excluding the footprint of a separate vehicle, recreational vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. The office, business and building contractor space may be located within the footprint of the internal access self-storage structure or an equivalent amount of

office, business and building contractor space may be located outside of the footprint in an attached portion of the structure.

4. No outside storage of materials or equipment shall be allowed.

5. A vehicle, recreational vehicle, boat, and/or trailer storage structure shall be fully enclosed and be to the rear of the principal internal access self-storage facility structure. This use shall only be allowed in conjunction with an internal access self-storage facility. Said structure shall only be used for vehicle, recreational vehicle, boat and/or trailer storage and individual vehicle, recreational vehicle, boat and/or trailer storage units may be externally accessed.

(3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.

(4) Mixed residential/office use. Based on the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.

(i) *Special uses of property.* The following special uses of property shall be allowed in the O-I zoning district, provided that all conditions specified in article V of this chapter are also met:

(1) ~~Reserved.~~

(1) ~~Drug abuse treatment facility.~~

(Code 1992, § 20-6-18; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 3, 4, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 2, 3, 10-25-2018; Ord. No. 2019-04, § 1, 6-27-2019; Ord. No. 2020-02, § 9, 5-28-2020; Ord. No. 2020-08, § 1, 10-22-2020; Ord. No. 2023-08, § 1, 7-27-2023)

Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 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 *[absent]*
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

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

**_____
DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

Wednesday, August 14, 2024

Fayette County News **B3**

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

PUBLIC HEARING to be held before the Fayette County Planning Commission on September 5, 2024, at 7:00 P.M. and before the Fayette County Board of Commissioners on September 26, 2024, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

CONSIDERATION OF AMENDMENTS TO CHAPTER 110. ZONING ORDINANCE, REGARDING ARTICLE IV. - DISTRICT USE REQUIREMENTS. - SEC. 110-142. - OFFICE-INSTITUTIONAL DISTRICT.

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

This 14th day of August 2024.

Deborah Bell, Director
Planning and Zoning
08/14

Legals continued page B4

COUNTY AGENDA REQUEST

Page 242 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2024, and authorization to adjust and close capital projects, moving remaining funds to project contingency.

Background/History/Details:

Georgia law requires a final balanced budget be adopted by county governments for its governmental funds. Staff is recommending budget adjustments for each fund and each department with an unfavorable variance between budget and actual expenditures. Staff is also recommending to close projects that have been completed and to move remaining funds to project contingency. These supplemental budget adjustments must be approved by the Board of Commissioners and posted to the ledger before the accounting records can be closed and the auditors can begin their fieldwork for the fiscal year audit.

What action are you seeking from the Board of Commissioners?

Approval to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2024, and authorization to adjust and close capital projects, moving remaining funds to project contingency.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
I. The following requested year-end budget adjustments are for funds that are not included in the original budget due to the unpredictability of annual activity. At year-end, budgets are established for these funds to fulfill the Georgia law requirement of balanced budgets for Governmental Funds.							
A. To establish FY 2024 operating budget for fund 206 Sheriff Operations for Inmate Commissary proceeds.							
20600001	361000	COMM		INTEREST INCOME		5,214.00	5,214.00
20600001	361000	LIFE		INTEREST INCOME		185.00	185.00
20600001	371001	COMM		DONATIONS/MISCELLANEOUS		119,711.00	119,711.00
20630310	531106	LIFE		COMMUNICATION SUPPLIES	72.00		(72.00)
20630326	521316	COMM		TECHNICAL SERVICES	(21,668.00)		21,668.00
20630326	523201	COMM		COMMUNICATION SERVICES	2,379.00		(2,379.00)
20630326	523202	COMM		POSTAGE	1,628.00		(1,628.00)
20630326	523205	COMM		COMCAST	1,665.00		(1,665.00)
20630326	531114	COMM		OFFICE SUPPLIES	2,328.00		(2,328.00)
20630326	531116	COMM		OTHER SUPPLIES	582.00		(582.00)
20630326	531134	COMM		INMATE SUPPLIES	35,267.00		(35,267.00)
20630326	531441	COMM		SUBSCRIPTIONS, BOOKS & MAGS	7,636.00		(7,636.00)
20630326	531704	COMM		FURNITURE & FIXTURES <\$1,000	2,203.00		(2,203.00)
20630326	542393	COMM		APPLIANCES	126,553.00		(126,553.00)
					158,645.00	125,110.00	(33,535.00)
B. To establish FY 2024 operating budget for the Confiscated Funds controlled by the Sheriff.							
1. To establish FY 2024 operating budget for the State Confiscated Property Fund							
21030003	351370			STATE CONFISCATED FUNDS		49,624.00	49,624.00
21000001	361000			INTEREST INCOME		831.00	831.00
21030390	521217			PUBLIC RELATIONS SERVICES	13,923.00		(13,923.00)
21030390	521316			TECHNICAL SERVICES	14,126.00		(14,126.00)
21030390	521318			OTHER FEES AND SERVICES	36.00		(36.00)
21030390	523201			COMMUNICATION SERVICES	3.00		(3.00)
21030390	531114			OFFICE SUPPLIES	1,243.00		(1,243.00)
21030390	531116			OTHER SUPPLIES	1,951.00		(1,951.00)
21030390	531600			SMALL EQUIPMENT	1,074.00		(1,074.00)
21030390	542167			SURVEILLANCE EQUIPMENT	2,556.00		(2,556.00)
21030390	542420			COMPUTER EQUIPMENT	6,696.00		(6,696.00)
21030390	542510			FIREARMS & PROTECTIVE DEVICES	2,129.00		(2,129.00)
21030390	542520			SAFETY EQUIPMENT	4,495.00		(4,495.00)
21030390	542530			BUSINESS/COMM MACHINES	4,205.00		(4,205.00)
					52,437.00	50,455.00	(1,982.00)

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
2. To establish FY 2024 operating budget for the US Customs Fund								
	21130003	351380			FEDERAL CONFISCATED FUNDS		61,195.00	61,195.00
	21100001	361000			INTEREST INCOME		295.00	295.00
	21130390	521217			PUBLIC RELATIONS SERVICES	500.00		(500.00)
	21130390	542420			COMPUTER EQUIPMENT	5,428.00		(5,428.00)
	21130390	542510			FIREARMS & PROTECTIVE DEVICES	21,804.00		(21,804.00)
						27,732.00	61,490.00	33,758.00
3. To establish FY 2024 operating budget for the Federal Confiscated Property Fund								
	21200001	351360			SALE OF CONFISCATED PROPERTY		26.00	26.00
	21230003	351380			FEDERAL CONFISCATED FUNDS		151,331.00	151,331.00
	21200001	361000			INTEREST INCOME		1,464.00	1,464.00
	21230390	521316			TECHNICAL SERVICES	2,521.00		(2,521.00)
	21230390	523201			COMMUNICATION SERVICES	25,123.00		(25,123.00)
	21230390	523591			LODGING & MEALS	27,950.00		(27,950.00)
	21230390	523593			MILEAGE & PARKING	170.00		(170.00)
	21230390	523600			SEMINARS & DUES	13,372.00		(13,372.00)
	21230390	531106			COMMUNICATION SUPPLIES	650.00		(650.00)
	21230390	531117			SAFETY SUPPLIES	3,235.00		(3,235.00)
	21230390	531270			GASOLINE VENDORS	2,252.00		(2,252.00)
	21230390	531600			SMALL EQUIPMENT	750.00		(750.00)
	21230390	531701			UNIFORMS & SUPPLIES	35,189.00		(35,189.00)
	21230390	542200			VEHICLES	2,080.00		(2,080.00)
	21230390	542520			SAFETY EQUIPMENT	33,872.00		(33,872.00)
						147,164.00	152,821.00	5,657.00
C. To establish FY 2024 revenue budget for the Opioid Settlements fund. On 3/23/23, the BOC approved the annual allocation of the settlements proceeds of \$30k for the Sheriff and \$30k for Fire/EMS.								
	21330001	351920		OPIOID SETTLEMENTS FUND	LOCAL GOVT OPIOID SETTLEMENTS		223,472.00	223,472.00
						-	223,472.00	223,472.00

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
D. To establish FY 2024 revenue budget for the Hotel/Motel Tax fund. The original budget includes \$25,000 revenue in the GF as a placeholder until we know the actual amount of Hotel/Motel Room Tax revenue. Recommending to setup the budget revenue equal to the actual revenue amount received and decrease to zero the placeholder revenue amount in the GF. Also recommending to transfer the actual hotel/motel tax proceeds of \$44,516 to the General Fund so these can be used for any legal purpose in the county (O.C.G.A. 48-13-51).							
1. To setup the budget for the Hotel/Motel Room Tax revenue received of \$44,516.							
27500001	314117		HOTEL/MOTEL TAX FUND	HOTEL/MOTEL TAX		44,516.09	44,516.09
2. To decrease to zero the placeholder amount of \$25,000 in the GF.							
10000001	314117		GENERAL FUND	HOTEL/MOTEL ROOM TAX		(25,000.00)	(25,000.00)
					-	19,516.09	19,516.09
II. Vehicles and Equipment recommendations:							
A. Project 243AA for an EMS Ambulance was approved in FY 2024 for a total of \$511,165. At the end of the year, there are expenditures incurred of \$32,122.12 and open purchase orders for \$425,852.70 for the purchase of the Ambulance and additional add-ons. Unspent/unencumbered funds = \$53,190.18. Recommending to move the unspent/unencumbered balance from FY 2024 to FY 2025 to cover the costs to be incurred to get the unit ready for service - year-to-year zero net effect to Vehicle and Equipment fund balance.							
FY 2024							
61030600	542200	243AA	EMS - VEHICLES	VEHICLES	(53,190.18)	-	53,190.18
FY 2025							
61030600	542200	243AA	EMS - VEHICLES	VEHICLES	53,190.18		(53,190.18)
					-	-	-
B. Project 243AB for 2 Rescue Pumpers was approved in FY 2024 for a total of \$1,524,658. At the end of the year, there are expenditures incurred of \$729.92 and an open purchase order for \$1,479,658 for the purchase of the Pumpers and add-ons. Unspent/unencumbered funds = \$44,270.08. Recommending to move the unspent/unencumbered balance from FY 2024 to FY 2025 to cover the costs to be incurred to get the units ready for service - year-to-year zero net effect to Vehicle and Equipment fund balance.							
FY 2024							
61030550	542200	243AB	FIRE - VEHICLES	VEHICLES	(44,270.08)	-	44,270.08
FY 2025							
61030550	542200	243AB	FIRE - VEHICLES	VEHICLES	44,270.08		(44,270.08)
					-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
C. Project 243AD for four 2024 Ford Explorer Police Interceptors was approved in FY 2024 for a total of \$319,456. The last cost incurred of \$615.05 for add-ons was received after the cut-off date for processing in FY 2024 and was posted in FY 2025. Recommending to move funds to cover the cost in FY 2025 from the unspent/unencumbered balance of \$3,955 in FY 2024.							
FY 2024							
61030323	542200	243AD	FIRE - VEHICLES	VEHICLES	(615.05)	-	615.05
FY 2025							
61030323	542200	24AD	FIRE - VEHICLES	VEHICLES	615.05		(615.05)
					-	-	-
D. Project 247AA for a 2024 F-150 was approved in FY 2024 for \$34,333 (base price of unit = \$21,495 plus add-ons = \$12,838). The actual cost of the vehicle including add-ons is \$52,633 (2024 F-150 XL = \$36,798 plus add-ons = \$15,835). Recommending to increase the vehicle expenditure line-item by \$18,300 to cover the additional cost of the Vehicle - decrease to the Vehicle Replacement fund balance.							
61070483	542200	247AA	CODE ENFORCEMENT - VEHICLES	VEHICLES	18,300.00	-	(18,300.00)
					18,300.00	-	(18,300.00)
III. Grants recommendations:							
A. The FY 2024 original budget for the Drug Court grant award is \$350,000. The actual grant amount received is \$340,195. Also, not all the grant funds awarded for the annual conference and travel were spent. The actual grant amount de-obligated was \$2,656. Recommending to adjust the budget grant revenue to the actual grant amount received of \$337,539. This grant requires a 12% match. Also recommending to decrease the budget grant related expenses by \$14,160 to fulfill the minimum match required.							
21920003	334219	DRUG	DRUG COURT FUND	GRANTS		(12,461.00)	(12,461.00)
21920160	521316	DRUG	DRUG COURT FUND	TECHNICAL SERVICES	(14,160.00)		14,160.00
					(14,160.00)	(12,461.00)	1,699.00
B. The FY 2024 original budget for the Juvenile Court grant award is \$92,045. This is a 100% grant with no match required. The Juvenile Court did not use the full grant amount awarded. Recommending to decrease the budget grant revenue to the amount received of \$75,170. Also recommending to decrease the budget grant related expenses by the same amount .							
10020003	334219	G801A	GENERAL FUND	GRANTS		(16,875.00)	(16,875.00)
10020600	521316	G801A	JUVENILE COURT	TECHNICAL SERVICES	(16,875.00)		16,875.00
					(16,875.00)	(16,875.00)	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
IV. SPLOST Projects recommendations:							
A. The following 2017 SPLOST Projects were part of the re-allocation of funding within the 2017 SPLOST approved by the BOC on 6/13/24. Available funding in these projects was reallocated to other 2017 SPLOST Projects. Recommending to make necessary budget adjustments to fund the projects, move any balance left in the projects to 2017 SPLOST Contingency, and to close the projects.							
1. Project 17FAB Fire Pumper - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(394,070.00)	(394,070.00)
32230550	313200	17FAB	FIRE/EMS SPLOST PROJECTS	SPLOST		394,070.00	394,070.00
					-	-	-
2. Project 20SAD 448 Inman Road - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(223,067.64)	(223,067.64)
32240320	313200	20SAD	STORMWATER SPLOST PROJECTS	SPLOST		223,067.64	223,067.64
					-	-	-
3. Project 20SAH 100 Darren Drive - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(11,103.75)	(11,103.75)
32240320	313200	20SAH	STORMWATER SPLOST PROJECTS	SPLOST		11,103.75	11,103.75
					-	-	-
4. Project 21SAK 160 Heritage Way South - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(189,910.98)	(189,910.98)
32240320	313200	21SAK	STORMWATER SPLOST PROJECTS	SPLOST		189,910.98	189,910.98
					-	-	-
5. Project 21TAB Tyrone Rd & Flat Creek Trail - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(183,377.94)	(183,377.94)
32240220	313200	21SAK	TRANSPORTATION SPLOST PROJEC	SPLOST		183,377.94	183,377.94
					-	-	-
6. Project 23TAB Traffic Signal Pre-Empt Device - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(23,790.51)	(23,790.51)
32240220	313200	21SAK	TRANSPORTATION SPLOST PROJEC	SPLOST		23,790.51	23,790.51
					-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
7. Project 17TAP Banks Road Planning Study - the project has no funding left. Recommending to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(266.00)	(266.00)
32240220	313200	17TAP	TRANSPORTATION SPLOST PROJEC	SPLOST		266.00	266.00
					-	-	-
8. Project 17TAE Sandy Creek Road - the project has no funding left. Recommending to adjust the grant budget portion of the project to the actual grant amount received, and to close the project.							
32200001	313200		2017 SPLOST	SPLOST		(51,964.04)	(51,964.04)
32240220	313200	17TAE	TRANSPORTATION SPLOST PROJEC	SPLOST		51,964.04	51,964.04
32640220	334219	17TAE	TRANSPORTATION SPLOST PROJEC	GRANTS		(4,310.49)	(4,310.49)
32640220	541210	17TAE	TRANSPORTATION SPLOST PROJEC	OTHER IMPROVEMENTS	(4,310.49)		4,310.49
					(4,310.49)	(4,310.49)	-
9. Project 17TAF SR 74 Corridor Study - the project has funding left. Recommending to close the project and move remaining funding to SPLOST Contingency.							
32200001	313200		2017 SPLOST	SPLOST		(2,658.00)	(2,658.00)
32240220	313200	17TAF	TRANSPORTATION SPLOST PROJECTS			2,658.00	2,658.00
32240220	541210	17TAF	TRANSPORTATION SPLOST PROJEC	OTHER IMPROVEMENTS	(0.90)		0.90
32240599	579000	TRANS	TRANSPORTATION CONTINGENCY	CONTINGENCY	0.90		(0.90)
					-	-	-
B. The following 2023 SPLOST Projects were part of the re-allocation of funding within the 2023 SPLOST approved by the BOC on 6/13/24. No actual expenses were incurred in any of the projects. All the funding in these projects was reallocated to other 2023 SPLOST Projects. Recommending to close the projects.							
	1.	S23AA Kosiek Dam					
	2.	S23AB Longview Dam-Margaret Philips Lake					
	3.	T23AB Bridge Maintenance					
	4.	T23AC Right of Way clearing					
	5.	T23AD Op Improv to Sandy Creek & Tyrone/Palmetto Road					
	6.	T23AF Eastin Road & Veteran's Parkway					
	7.	T23AG Banks Road & Ellis Road					
	8.	T23AH Ebenezer Church & Redwine Road					
	9.	T23AI Eastin Road & Sandy Creek Road					
	10.	T23AJ Tyrone Road & Dogwood Trail					
	11.	T23AL Kenwood Road Path Network					
	12.	T23AM CTP & Master Path Plan Implementation					
	13.	T23AN Regional Connection Projects -bike routes, path sidewalks					
	14.	T23AO SR279 Corridor Improvement-Concept Study					

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
	15.	T23AP Rails to Trails/ Griffin to Brooks to Senoia					
	16.	T23AQ Transportation Studies					
V. Capital/CIP Projects recommendations:							
A. The following projects have been completed with remaining funds. Recommending to transfer remaining funds in the projects to the respective Projects Contingency accounts and to close the projects.							
1. Project 233AG Station 2 Fuel Tank							
37230550	542140	233AG	FIRE PROJECTS	FIELD EQUIPMENT	(19,149.91)		19,149.91
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	19,149.91		(19,149.91)
					-	-	-
2. Project 236AN McCurry Park Pipe & Path Replacement							
37260110	541210	236AN	RECREATION PROJECTS	OTHER IMPROVEMENTS	(15,584.62)		15,584.62
37510599	579000	PARKS	PROJECTS CONTINGENCY	CONTINGENCY	15,584.62		(15,584.62)
					-	-	-
3. Project 243AI AED Replacements - 15 AEDs							
37230550	542420	243AI	FIRE PROJECTS	COMPUTER EQUIPMENT	(121.36)		121.36
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	121.36		(121.36)
					-	-	-
4. Project 243AJ Cradle Point Replacement							
37230550	542420	243AJ	FIRE PROJECTS	COMPUTER EQUIPMENT	(71.62)		71.62
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	71.62		(71.62)
					-	-	-
5. Project 243AL Station 11 Roof & Gutter Repair							
37530550	541210	243AL	FIRE PROJECTS	OTHER IMPROVEMENTS	(4,000.00)		4,000.00
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	4,000.00		(4,000.00)
					-	-	-
6. Project 243AM Replace Stryker Lucas Chest Compression							
37230600	542520	243AM	EMS PROJECTS	SAFETY EQUIPMENT	(419.61)		419.61
37510599	579000	EMS	PROJECTS CONTINGENCY	CONTINGENCY	419.61		(419.61)
					-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
B. The following project has been completed with a budget shortage. The approved budget for the project is \$20k. Actual expenditures are \$26k due to additional security considerations. Recommending to transfer funds from the respective Project Contingency account to bring the project within budget and to close the project.							
7. Project 231AH Tag & Tax Office Upgrade							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(5,910.62)		5,910.62
37210565	541210	231AH	B & G PROJECTS	OTHER IMPROVEMENTS	5,910.62		(5,910.62)
					-	-	-
C. The following projects have been completed. Part or all of the expenses will not be capitalized because they are considered repairs. Recommending to move to M&O the expenses that will not be capitalized; move to Projects Contingency any remaining funds; transfer funds from Project Contingency to cover any budget shortages; and to close the projects.							
8. Project 206AM Safety Netting Kiwanis Field #7							
37560110	542140	206AM	RECREATION PROJECTS	FIELD EQUIPMENT	(3,000.00)		3,000.00
10060110	542140		RECREATION	FIELD EQUIPMENT	3,000.00		(3,000.00)
					-	-	-
9. Project 231AF Justice Center Fountain Repair							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(1,269.00)		1,269.00
37210565	541210	231AF	B & G PROJECTS	OTHER IMPROVEMENTS	1,269.00		(1,269.00)
37210565	541210	231AF	B & G PROJECTS	OTHER IMPROVEMENTS	(13,000.00)		13,000.00
10010565	541210		BUILDING & GROUNDS	OTHER IMPROVEMENTS	13,000.00		(13,000.00)
					-	-	-
10. Project 233AI Station 5 Parking Lot Resurface							
37530550	541210	233AI	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(88,731.56)		88,731.56
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	88,731.56		(88,731.56)
					-	-	-
11. Project 233AJ Station 6 Parking Lot Resurface							
37530550	541210	233AJ	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(88,161.73)		88,161.73
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	88,161.73		(88,161.73)
					-	-	-
12. Project 233AL Station 10 Parking Lot Resurfacing							
37530550	541210	233AL	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(66,907.97)		66,907.97
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	66,907.97		(66,907.97)
					-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
13. Project 236AB Library Parking Lot Repavement							
37560500	541210	236AB	LIBRARY PROJECTS	OTHER IMPROVEMENTS	(214,725.82)		214,725.82
10060500	541210		LIBRARY	OTHER IMPROVEMENTS	214,725.82		(214,725.82)
					-	-	-
14. Project 236AG McCurry Pk N Soccer Parking Lot Resurfacing							
37560110	541210	236AG	RECREATION PROJECTS	OTHER IMPROVEMENTS	(310,120.31)		310,120.31
10060110	541210		RECREATION	OTHER IMPROVEMENTS	310,120.31		(310,120.31)
					-	-	-
15. Project 236AI Kenwood Pk Sidewalk Repair							
37260110	541210	236AI	RECREATION PROJECTS	OTHER IMPROVEMENTS	(6,550.00)		6,550.00
10060110	541210		RECREATION	OTHER IMPROVEMENTS	6,550.00		(6,550.00)
					-	-	-
16. Project 241AD Map Book Preservation							
37210550	541210	241AD	TAX ASSESSOR PROJECTS	OTHER IMPROVEMENTS	(1,887.40)		1,887.40
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	1,887.40		(1,887.40)
37210550	541210	241AD	TAX ASSESSOR PROJECTS	OTHER IMPROVEMENTS	(6,752.60)		6,752.60
10010550	541210		TAX ASSESSOR	OTHER IMPROVEMENTS	6,752.60		(6,752.60)
					-	-	-
17. Project 243AK Fire Depot/Logistics Parking Lot Resurfacing							
37230550	541210	243AK	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(2,622.00)		2,622.00
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	2,622.00		(2,622.00)
37230550	541210	243AK	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(110,002.48)		110,002.48
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	110,002.48		(110,002.48)
					-	-	-
D. The following projects have no residual funds left. These projects are either completed or no longer needed. Recommend to close the projects.							
1. 194AC - Shed Upgrades							
2. 191AH - AV Upgrades							
3. 211AF - Executime Time & Attendance							
4. 21AR3 - Sheriff Firearms & Driving Simulator							
5. 226AH- McCurry Pk Picnic Walkway Repairs							
6. 226AI- McCurry Pk N Soccer Walkway Repair							
7. 226AJ- Kiwanis Pk Baseball Wlakway Repair							
8. 233AK- Replace Generator at Station 7							
9. 233AV- Adjacent Coroner Storage							

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
	10. 234AB - Public Works Office Renovation								
	11. 236AC - Kiwanis Pk Restroom Facility								
	12. 236AK - McCurry Pk Restroom Flooring Refurbishment								
	13. 236AM - McCurry Park Landscaping								
	14. 236AO - McCurry Pk Path Realignment								
	15. 241AC - Aerial Photography Lidar Capture								
	16. 243AH - Station 3 Electronic Sign Replacement								
VI. M&O Budget recommendations:									
A. An additional contribution of \$270,965 from the different funds/departments was made to match the DB plan recommended contribution in FY 2024. Recommending to increase the M&O budget by an amount equal to the actual additional contribution from each fund/departement.									
	10010090	512420		NON-DEPARTMENTAL GEN GOVT	DEFINED BENEFIT		33,338.00		(33,338.00)
	10020090	512420		NON-DEPARTMENTAL JUDICIAL	DEFINED BENEFIT		15,612.00		(15,612.00)
	10030090	512420		NON-DEPARTMENTAL PUB SFTY	DEFINED BENEFIT		91,917.00		(91,917.00)
	10040090	512420		NON-DEPARTMENTAL PUB WKS	DEFINED BENEFIT		17,328.00		(17,328.00)
	10060090	512420		NON-DEPARTMENTAL CULT & REC	DEFINED BENEFIT		4,463.00		(4,463.00)
	10070090	512420		NON-DEPARTMENTAL HOU & DEV	DEFINED BENEFIT		4,953.00		(4,953.00)
	21420330	512420		ACCOUNTABILITY STATE COURT	DEFINED BENEFIT		533.00		(533.00)
	21530800	512420		911 COMMUNICATIONS	DEFINED BENEFIT		7,031.00		(7,031.00)
	27030550	512420		FIRE SERVICES	DEFINED BENEFIT		56,080.00		(56,080.00)
	27230600	512420		EMS	DEFINED BENEFIT		15,295.00		(15,295.00)
	50541010	512420		WATER - ADMIN	DEFINED BENEFIT		3,493.00		(3,493.00)
	50541012	512420		WATER - CUSTOMER SERVICE	DEFINED BENEFIT		2,818.00		(2,818.00)
	50541013	512420		WATER - BILLING	DEFINED BENEFIT		1,581.00		(1,581.00)
	50543031	512420		WATER - CROSSTOWN	DEFINED BENEFIT		1,834.00		(1,834.00)
	50543041	512420		WATER - SO FAYETTE	DEFINED BENEFIT		4,046.00		(4,046.00)
	50543042	512420		WATER - MAINTENANCE	DEFINED BENEFIT		793.00		(793.00)
	50543061	512420		WATER - LAB & COMPLIANCE	DEFINED BENEFIT		527.00		(527.00)
	50544020	512420		WATER - FIELD OPERATIONS	DEFINED BENEFIT		6,445.00		(6,445.00)
	50544081	512420		WATER - MARSHAL	DEFINED BENEFIT		2,388.00		(2,388.00)
	54040500	512420		SOLID WASTE	DEFINED BENEFIT		490.00		(490.00)
							270,965.00	-	(270,965.00)

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
B. At year end, the Animal Control Spay/Neuter fund has a negative balance of \$12k. Expenditures for FY 2024 are higher than revenue by approximately \$23k, wiping out initial fund balance of \$11k. Expenditures are also over budget by \$3k. Recommending to transfer \$15k from the General Fund to bring fund balance to positive and for the fund to cover the budget deficit - zero net effect across funds and decrease to Animal Control Spay/Neuter fund balance. The FY 2025 adopted budget includes a transfer from the General Fund of \$30k.							
10090110	610291		GENERAL FUND	TRANSFERS TO OTHER FUNDS	15,000.00		(15,000.00)
29100001	390100		ANIMAL CONTROL SPAY/NEUTER	TRANSFERS FROM OTHER FUNDS		15,000.00	15,000.00
29130910	521319		ANIMAL CONTROL SPAY/NEUTER	ANIMAL STERILIZATION	3,100.00		(3,100.00)
					18,100.00	15,000.00	(3,100.00)
C. Recommending year-end adjustments to Workers Compensation. \$150,000 included in the Building & Grounds budget to be moved to the Sheriff's Office budget to cover a current overage. Also, increase the Water System budget by \$50,000 to cover a current overage - zero net effect to GF balance and decrease to Water System fund balance.							
10010565	512119		BUILDING & GROUNDS	SELF INSURANCE WORKERS COMP	(150,000.00)		150,000.00
10030310	512119		SHERIFF SUPPORT SERVICES	SELF INSURANCE WORKERS COMP	50,000.00		(50,000.00)
10030326	512119		SHERIFF JAIL OPERATIONS	SELF INSURANCE WORKERS COMP	100,000.00		(100,000.00)
50544020	512119		WATER FIELD OPERATIONS	SELF INSURANCE WORKERS COMP	50,000.00		(50,000.00)
					50,000.00	-	(50,000.00)
D. As discussed at the FY 2025 budget presentation, staff recommends to increase the medical stabilization account by \$765k. This increase should be sufficient to provide medical runout and stabilize fund contributions in our Self Insurance Major Medical fund in FY 2024 - zero net effect across funds.							
10090110	610603		GENERAL FUND	TRANSFER TO MEDICAL	383,784.00		(383,784.00)
10190110	610603		GRIFFIN JUDICIAL CIRCUIT	TRANSFER TO MEDICAL	6,135.00		(6,135.00)
21490110	610603		ACCOUNTABILITY STATE COURT	TRANSFER TO MEDICAL	7,860.00		(7,860.00)
21590110	610603		911 COMMUNICATIONS	TRANSFER TO MEDICAL	30,176.00		(30,176.00)
27090110	610603		FIRE SERVICES	TRANSFER TO MEDICAL	144,499.00		(144,499.00)
27290110	610603		EMS	TRANSFER TO MEDICAL	72,824.00		(72,824.00)
50541010	610603		WATER SYSTEM	TRANSFER TO MEDICAL	110,418.00		(110,418.00)
54090110	610603		SOLID WASTE	TRANSFER TO MEDICAL	9,632.00		(9,632.00)
60300001	390		MAJOR MEDICAL SELF INSURANCE	TRANSFER FROM OTHER FUNDS		765,328.00	765,328.00
					765,328.00	765,328.00	-
E. At the end of FY 2024, the Accountability State Court (fund 214) is over budget by \$19,866. The Technical Services line-item associated to the DUI grant is over budget by \$34,379. Any expenditures in excess of the proceeds from the grant, are covered by Participant Fees and the 50% Added DUI Surcharge Fees. The fund still has a \$133k fund balance. Recommending to increase the expenditures budget by \$20,000 to cover the amount of the shortfall - decrease to the Accountability State Court fund balance.							
21420330	521316	DUI	ACCOUNTABILITY STATE COURT	TECHNICAL SERVICES	20,000.00		(20,000.00)
					20,000.00	-	(20,000.00)

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
F. At the end of FY 2024, the Jail Surcharge Fund Inmate Meals expenditure line-item is over budget by \$30,400. Actual revenue for the fund exceeds budgeted revenue by \$55,700. Instead of using fund balance, recommending to use excess revenue received to cover the over budget Inmate Meals expenditure line-item. Budget revenue and budget expenditures to be increased by \$31,000 - zero net effect to the Jail Surcharge Fund balance.							
21630002	337022		JAIL SURCHARGE FUND	JAIL SURCHARGE PTC		7,000.00	7,000.00
21630002	351180		JAIL SURCHARGE FUND	JAIL SURCHARGE FUND FINES		24,000.00	24,000.00
21630355	531301		JAIL SURCHARGE	INMATE MEALS	31,000.00		(31,000.00)
					31,000.00	31,000.00	-
G. At the end of FY 2024, the DATE Superior Court Fund is over budget by \$13,080. The Technical Services line-item associated to the DRUG grant is over budget by \$12,594 and Office Supplies is over budget by \$1,157. Any expenditures in excess of the proceeds from the grant, are covered by Participant Fees and the DATE 50% Added Surcharge Fees. The fund still has a \$475k fund balance. Recommending to increase the expenditures budget by \$14,000 to cover the amount of the shortfall - decrease to the DATE Superior Court fund balance.							
21920160	521316	DRUG	SUP CT - DRUG ABUSE & TREATMEN	TECHNICAL SERVICES	14,000.00		(14,000.00)
					14,000.00	-	(14,000.00)
H. At the end of FY 2024, the Street Lights Fund is over budget by \$21,416. The Coweta Fayette Power line-item is over budget by \$7,060 and the Georgia Power Company line-item is over budget by \$14,960. The fund still has a \$27k fund balance. Recommending to increase the expenditures budget by \$21,500 to cover the amount of the shortfall - decrease to the Street Lights Fund balance.							
27140260	531230		STREET LIGHTS	COWETA FAYETTE POWER	6,900.00		(6,900.00)
27140260	531231		STREET LIGHTS	GEORGIA POWER COMPANY	14,600.00		(14,600.00)
					21,500.00	-	(21,500.00)
I. The following General Fund departments have budget deficits as of the end of FY 2024. Recommending to cover these budget deficits with remaining budget amounts from other departments within the General Fund - zero net effect to General Fund balance.							
1. Elections - is over budget by \$283k. State Mandated Staffing Requirements for Part-Time Elections Clerks salary line is over budget by \$296k.							
10010400	511105	PTIME	ELECTIONS	REGULAR SALARY	284,000		(284,000)
2. Tax Commisioner - is over budget by \$41k. The Self-Insurance Medical line is over budget by \$19k, FICA/Medicare line is over budget by \$6, and Postage Services for State Required Notifications is over budget by \$18k.							
10010545	512111		TAX COMMISSIONER	SELF INSURANCE MEDICAL	19,000		(19,000)
10010545	512200		TAX COMMISSIONER	FICA/MEDICARE	5,000		(5,000)
10010545	523202		TAX COMMISSIONER	POSTAGE SERVICES	18,000		(18,000)
3. Non-Departmental Judicial - is over budget by \$12k. The Building Maintenance Services line is over budget by \$21k.							
10020090	522235		NON-DEPARTMENTAL JUDICIAL	BUILDING MAINTENANCE SERVICES	13,000		(13,000)
4. Superior Court Judges - is over budget by \$33k. The Court Reporter Services line is over budget by \$27k and the Witness Services line is over budgt by \$6k.							
10020151	523852		SUPERIOR COURT JUDGES	COURT REPORTER SERVICES	27,000		(27,000)
10020151	523972		SUPERIOR COURT JUDGES	WITNESS SERVICES	6,000		(6,000)

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
5. District Attorney - is over budget by \$5k. The Office Supplies line is over budget by \$3k and the FICA/Medicare line is over budget by \$3k.							
10020200	531114		DISTRICT ATTORNEY	OFFICE SUPPLIES	3,000		(3,000)
10020200	512200		DISTRICT ATTORNEY	FICA/MEDICARE	3,000		(3,000)
6. Non-Departmental Public Safety - is over budget by \$292k. The Claims Expense line is over budget by \$124k, the Georgia Power Company line is over budget by \$154k, and the City of Fayetteville Water line is over budget by \$17k.							
10030090	523181		NON-DEPARTMENTAL PUB SFTY	CLAIMS EXPENSE	124,000		(124,000)
10030090	531210		NON-DEPARTMENTAL PUB SFTY	CITY OF FAYETTEVILLE WATER	17,000		(17,000)
10030090	531231		NON-DEPARTMENTAL PUB SFTY	GEORGIA POWER COMPANY	154,000		(154,000)
7. Sheriff's Office - is over budget by \$492k. The Vehicle Repairs line is over budget by \$197k, Non-Insurance Claims line is over budget by \$125k, Building Maintenance line is over budget by \$107k, and the Uniforms & Supplies line is over budget by \$65k. .							
100303XX	522233		SHERIFF'S OFFICE	VEHICLE REPAIR SERVICES	197,000		(197,000)
100303XX	522235		SHERIFF'S OFFICE	BUILDING MAINTENANCE SERVICES	107,000		(107,000)
100303XX	523185		SHERIFF'S OFFICE	NON INSURANCE CLMS ACCIDENTS	125,000		(125,000)
100303XX	531701		SHERIFF'S OFFICE	UNIFORMS & SUPPLIES	65,000		(65,000)
8. Non-Departmental Public Works - is over budget by \$22k. The Claims Expense line is over budget by \$25k.							
10040090	523181		NON-DEPARTMENTAL PUB WORKS	CLAIMS EXPENSE	22,000		(22,000)
9. Public Health - is over budget by \$1,360. The Georgia Power Company line is over budget by \$1,652.							
10050110	531231		PUBLIC HEALTH	GEORGIA POWER COMPANY	1,652		(1,652)
10. Code Enforcement - is over budget by \$24,000. The Self Insurance Medical line is over budget by \$22,334 and the Gasoline Vendors line is over budget by \$4k.							
10070483	512111		CODE ENFORCEMENT	SELF INSURANCE MEDICAL	22,334		(22,334)
10070483	531270		CODE ENFORCEMENT	GASOLINE VENDORS	4,000		(4,000)
11. Department budget deficits above to be covered with remaining budget from the following expenditure lines:							
10010090	522236		NON-DEPARTMENTAL GEN GOVT	SOFTWARE MAINTENANCE	(100,000)		100,000
10010320	511105		ADMINISTRATION	REGULAR SALARY	(66,986)		66,986
10010320	521316		ADMINISTRATION	TECHNICAL SERVICES	(250,000)		250,000
10040220	511105		ROAD DEPARTMENT	REGULAR SALARY	(250,000)		250,000
10040220	512111		ROAD DEPARTMENT	SELF INSURANCE MEDICAL	(50,000)		50,000
10040220	521316		ROAD DEPARTMENT	TECHNICAL SERVICES	(500,000)		500,000
				General Fund - Net	-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
VII. Water System recommendations:							
A. Water System CIP							
1. Projects 1VPWE, 21WSA, 8SHDC, and 17TAL have been completed. These projects either have budget shortages or available funds; with a net shortage of \$2,489.37. Recommending to close the completed projects and to cover the \$2,489.37 net shortage with available funds in project 8WTEX Waterline Extensions.							
a. Project 1VPWE Veteran Parkway Waterline Extension has been completed and has a budget overage of \$0.42.							
50740400	542540	1VPWE	Water CIP	Water CIP Expense	0.42		(0.42)
b. Project 21WSA Solids Handling (Sludge Collector) at South Fayette has been completed and has residual funds of \$19,240.99.							
50740400	542540	21WSA	Water CIP	Water CIP Expense	(19,240.99)		19,240.99
c. Project 8SHDC Solids Handling (Sludge Collector) at Crosstown has been completed and has a budget overage of \$19,240.74.							
50740400	542540	8SHDC	Water CIP	Water CIP Expense	19,240.74		(19,240.74)
d. Project 17TAL Redwine Rd from Bernhard to Stonehaven Loop has been completed with a budget overage of \$2,489.20							
50740400	542540	17TAL	Water CIP	Redwine Rd from Bernhard to Stonehaven Loop	2,489.20		(2,489.20)
				Net shortage	2,489.37	-	(2,489.37)
e. Project 8WTEX Waterline Extensions has available funds of \$406k.							
50740400	542540	8WTEX	Water CIP	Waterline Extensions	(2,489.37)		2,489.37
				Net	-	-	-
B. Water System M&O							
1. The FY 2024 approved budget included a contribution from Trilith of \$1.25M for the Water Storage Tank. At year-end, we have received \$1.116M of the total contribution. Recommending to move the budget balance not received of \$134k from FY 2024 to FY 2025. To keep a Water System balanced budget, also recommending the following: to decrease the R&E expense line by the amount of the revenue reduction in FY 2024 and increase the R&E expense line by the amount of the revenue increase in FY 2025 - year to year zero net effect to the Water System Fund balance.							
FY 2024:							
50540003	371100		WATER SYSTEM	CONTRIBUTED CAPITAL		(134,225.99)	(134,225.99)
54041100	610915		ADMINISTRATIVE - DEBT/FA	WATER TRANSFERS-R&E FUND	(134,225.99)		134,225.99
					(134,225.99)	(134,225.99)	-
FY 2025:							
50540003	371100		WATER SYSTEM	CONTRIBUTED CAPITAL		134,225.99	134,225.99
54041100	610915		ADMINISTRATIVE - DEBT/FA	WATER TRANSFERS-R&E FUND	134,225.99		(134,225.99)
					134,225.99	134,225.99	-
				Net	-	-	-

COUNTY AGENDA REQUEST

Page 257 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to amend the Memorandum of Understanding (MOU) between Fayette County and the US Soccer Federation (USSF) to enhance five soccer fields at McCurry Park South Soccer for the shared use of USSF team training camps and the County.

Background/History/Details:

At the July 25, 2024, Board of Commissioners meeting the Board voted to enter into a MOU between the County, Fayette County Youth Soccer League (FCYSL), and USSF. The initial MOU stated the USSF would engage Canyon Mountain Landscapes, LLC to perform landscaping services at McCurry Park South. USSF will provide up to \$367,000 to the County to cover the Scope of Services for the proposed enhancements on McCurry Park South fields 21, 22, 23, 24, and 25 and up to \$100,000 to cover upgrades to McCurry Park South Concession and Restrooms facilities and to construct a new storage building. USSF shall provide a donation of up to \$50,000 for sports equipment.

An amendment to the MOU will allow USSF the ability to provide either \$100,000 in funding or in-kind contribution of goods to the County to cover upgrades to McCurry Park South concession, restroom facilities, and a new storage building.

What action are you seeking from the Board of Commissioners?

Approval to amend the Memorandum of Understanding between Fayette County and the US Soccer Federation (USSF) to enhance five soccer fields at McCurry Park South Soccer for the shared use of USSF team training camps and the County.

If this item requires funding, please describe:

Donations from USSF will be allocated based upon capital vs. maintenance. Due to the nature of the field upgrades, some can be capitalized and some will be maintenance. Donations will be allocated based upon the Schedule A Scope of Services.

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:

MEMORANDUM OF UNDERSTANDING
By and Between
FAYETTE COUNTY
and
UNITED STATES SOCCER FEDERATION, INC.
For
MCCURRY SOUTH SOCCER FIELDS ENHANCEMENT

The parties to this Memorandum of Understanding (“MOU”) are interested in serving the needs of the citizens of Fayette County (“the County”) by enhancing five soccer fields at McCurry Park South and to upgrade certain facilities and equipment appurtenant thereto (collectively, the “Project”) for the shared use of the United States Soccer Federation, Inc. (“U.S. Soccer” and USSF”) for youth and extended national team training camps and the County. By signing this MOU, both parties agree to the following:

The Arthur M. Blank U.S. Soccer National Training Center (“NTC”) is underway in Fayette County with an expected completion in early 2026.

In the interim, there exists the need for training and developing teams utilizing local soccer fields. This proposal would enhance five soccer fields at McCurry Park South fields to meet comparable standards of the new training fields to begin operations earlier and provide future opportunities to engage in the local community and collaborate with our existing Fayette County Youth Soccer League (FCYSL).

The focus is to enhance the fields at McCurry Park South for the shared usage of USSF team training camps and the local community/clubs until the new NTC becomes operational.

Once the NTC is opened and USSF moves its training camps to its permanent home, the upgraded fields at McCurry Park South can be utilized for the full benefit of the community and augment future USSF collaboration.

1. The County shall have the responsibility of coordinating with Fayette County Youth Soccer League (“FCYSL”) to engage Canyon Mountain Landscapes, LLC (“Canyon”) to perform the field enhancements on McCurry Park South fields 21, 22, 23, 24 and 25.
2. The County and FCYSL will make every effort to make sure that these improvements are completed before the AFC Lightning Challenge tournament partially hosted at McCurry Park South on August 17-18, 2024.

3. The County and FCYSL will make every effort to make sure that the proposed timeline for these services is completed timely and according to services outlined in Canyon's scope of work to be performed as set forth in the scope of services attached hereto as Exhibit A ("Scope of Services").
4. The County shall continue to regulate all land disturbance activities and to issue land disturbance permits as provided in O.C.G.A. § 12-7-4 and the County's own ordinances.
5. The USSF shall provide up to \$367,000 to the County to cover the Scope of Services for the proposed enhancements on McCurry Park South fields 21, 22, 23, 24 and 25 (collectively, the "Field Enhancements").
6. The USSF shall provide up to \$100,000 to the County to cover upgrades to McCurry Park South Concession, Restrooms facilities and a new storage building. USSF shall provide a donation of up to \$50,000 for sports equipment, as outlined in the Scope of Services (collectively, the "Facilities & Equipment Upgrades").
7. The County shall utilize all monies paid by USSF for Field Enhancements and Facilities are utilized for the purposes stated above. In addition, the County shall be responsible for invoicing USSF for services provided in relation to the Field Enhancements and the Facilities and USSF remitting payment within 30 days.
8. County will continue to be responsible for ensuring proper field maintenance for McCurry Park South in accordance with generally accepted sporting standards. The County will continue to be responsible for maintaining the common areas to its current standards at McCurry Park South. On March 31st of 2026, 2027 and 2028, USSF shall provide a \$50,000 payment to the County to help offset operating expenses to support future ongoing maintenance requirements to keep the fields to the upgraded standards once the NTC is operational (the "Maintenance Contribution"). If the conditions in paragraph 12 are not met, USSF will not be required to pay the Maintenance Contribution above.
9. In order to properly maintain and grow in the fields, the County will support FCYSL/USSF's request for (and shall use its commercially reasonable best efforts to support the provision of) additional water usage (including updating the watering schedule) for the completion of the Scope of Services and for the ongoing operation and enjoyment of the McCurry Park South for the use contemplated by the FCYSL/USSF during the term of this MOU.
10. USSF will work directly with FCYSL to secure additional funding for the Project through the local community, donors and available grant programs. In addition, the

County will support and approve applications for additional grant funding (i.e., GA100), as applicable. Funding received from such donors and grant programs can and will (at USSF's direction) be either (a) provided to USSF (if not secured by USSF) and/or (b) applied directly to offset the expenditures by the USSF towards the Field Enhancements, Maintenance Fee, Facilities & Equipment Upgrades or Modified Field Enhancements as the case may be (such amounts, the "Offset Funds"). As needed at the completion of the Project, USSF and the County shall conduct a settlement to determine the amount of Offset Funds applied to the Project and amounts to be repaid or returned to USSF.

11. For the avoidance of doubt, neither the County, nor the FCYSL shall, without USSF's prior written consent, (a) permit any contractor working on the Project, including Canyon, to utilize the trademarks or tradename of the USSF (b) issue any press release or public statement about the Project naming USSF.
12. The County will ensure that FCYSL will allow USSF to schedule a minimum of 20 training camps over 18 months from August 2024 through January 2026. The County and FCYSL will continue to provide USSF with shared usage for team training camps and the local community/clubs events after the new USSF NTC becomes operational.
13. This MOU shall continue in effect from its effective date for a term of five (5) years. With the exception of the indemnification provision set forth herein, this MOU shall terminate absolutely and without further obligation on the part of the County or the USSF at the close of the term. Notwithstanding, either party may terminate this MOU if the other party fails to comply with its terms and does not remedy such failure within thirty (30) days of written notice, it being understood that such termination shall not come to the exclusion of any other remedies available to the non-defaulting party at law or equity.
14. To the extent permitted by law, the County shall require each of the County's contractors to indemnify, defend and hold harmless the County and USSF from any and all damage which the County or USSF should suffer from and any and all liability, claims, demands, attorney's fees and costs of defense, or judgment against it, arising from the acceptance of the work completed under this MOU and performed by said contractor. In addition, the County shall use commercially reasonable efforts to require that all contractors that it or FCYSL engages with respect to the Project carry and maintain throughout its work customary insurance (e.g., Commercial General Liability) commensurate with generally applicable industry standards for projects of the size and scope of the Project, and that such

insurance shall list the USSF, the County and FCYSL as additional insureds by endorsement.

15. This MOU constitutes the entire agreement between the parties as to all matters contained herein. All subsequent changes in this MOU must be in writing and signed by both parties.
16. This Memorandum of Understanding by and between County and USSF will become effective this 25th day of July, 2024.

In witness hereof, the parties hereto acting through their duly authorized agents have caused this MOU to be signed.

FAYETTE COUNTY

Lee Hearn
Chairman

Date: 7/25/24



Approved as to form:

Fayette County Attorney



Date: 07/25/24

UNITED STATES SOCCER FEDERATION, INC

Name ST Batson
Title CEO and Secretary General

Date: 8/1/24

Notary: Ivan Munoz Ortega

Date: 8/1/24

(SEAL)



Approved as to form:

Attorney

FAYETTE COUNTY YOUTH SOCCER LEAGUE

[Signature]

Bryan McDermott

Date: 7/31/2024

Notary: *Joan E Richardson*

(SEAL)

Approved as to form:

Attorney



Date: 7/31/2024

Exhibit A – Scope of Services

Field Enhancements

Description of Services	Estimated Cost per Field
Professional Sports field Turfgrass Management Services	
Top-dressing with USGA sand to a depth of 1/4", with Core Aerification.	\$10,000
Goal Mouth Preparation and re-sodding 5000 sq ft per field	\$6,850
18-Granular Fertility Applications & 9 Pesticide Applications	\$6,343
Reel mowing maintenance services 3 times weekly for 1 field/5 field price	\$32,400
Top-dress with USGA Greens grade "Green colored" Sand to a depth of 1/8"	\$8,185
Fall season Over Seeding perennial rye grass at 15lbs/1000sqft	\$2,864
Level Rolling services	\$1,600
After Care/Grow in Management	\$5,000
Estimated Subtotal Per Field	\$73,243
Number of Fields in Scope (21, 22, 23, 24, 25)	5
Estimated Total Cost for Field Enhancements (rounded)	\$367,000

Facilities & Equipment Upgrades

Description of Services	Estimated Cost
Concessions Building Exterior <ul style="list-style-type: none"> - Inspect and replace rotten wood boards (if applicable) - Prime and paint (paint color to be approved by County) - Replace roll-up door (if applicable) 	\$9,000
Concessions Building Interior <ul style="list-style-type: none"> - Clean up - Prime and paint (paint color to be approved by County) 	\$4,000
Restroom Facilities <ul style="list-style-type: none"> - Inspect and replace water closets - Prime and paint (paint color to be approved by County) - Inspect and replace sinks, mirrors, faucets 	\$12,000
Storage building <ul style="list-style-type: none"> - Add storage building for equipment and materials needed within secure fence area - Building should be like the Camden 16 ft. Width x 24 ft. Depth Wood Storage Shed with Black Shingles available at Home Depot - Shed to have electrical and mini-split installed for HVAC - Shed to have concrete poured base 	\$50,000
Pavilion	\$25,000

- Add 16 ft. x 16 ft. Pole Barn style sitting area	
Equipment	
- Goals, sandbags, corner flags, etc.	
- All equipment to be purchased by USSF and donated to County with estimated costs to USSF of up to \$50,000	\$50,000
Estimated Total Costs	\$150,000

FIRST AMENDED MEMORANDUM OF UNDERSTANDING

By and Between
FAYETTE COUNTY
and
UNITED STATES SOCCER FEDERATION, INC.
For
MCCURRY SOUTH SOCCER FIELDS ENHANCEMENT

The parties to this Memorandum of Understanding (“MOU”) are interested in serving the needs of the citizens of Fayette County (“the County”) by enhancing five soccer fields at McCurry Park South and to upgrade certain facilities and equipment appurtenant thereto (collectively, the “Project”) for the shared use of the United States Soccer Federation, Inc. (“U.S. Soccer” and USSF”) for youth and extended national team training camps and the County. By signing this MOU, both parties agree to the following:

The Arthur M. Blank U.S. Soccer National Training Center (“NTC”) is underway in Fayette County with an expected completion in early 2026.

In the interim, there exists the need for training and developing teams utilizing local soccer fields. This proposal would enhance five soccer fields at McCurry Park South fields to meet comparable standards of the new training fields to begin operations earlier and provide future opportunities to engage in the local community and collaborate with our existing Fayette County Youth Soccer League (FCYSL).

The focus is to enhance the fields at McCurry Park South for the shared usage of USSF team training camps and the local community/clubs until the new NTC becomes operational.

Once the NTC is opened and USSF moves its training camps to its permanent home, the upgraded fields at McCurry Park South can be utilized for the full benefit of the community and augment future USSF collaboration.

1. The County shall have the responsibility of coordinating with Fayette County Youth Soccer League (“FCYSL”) to engage Canyon Mountain Landscapes, LLC (“Canyon”) to perform the field enhancements on McCurry Park South fields 21, 22, 23, 24 and 25.
2. The County and FCYSL will make every effort to make sure that these improvements are completed before the AFC Lightning Challenge tournament partially hosted at McCurry Park South on August 17-18, 2024.

3. The County and FCYSL will make every effort to make sure that the proposed timeline for these services is completed timely and according to services outlined in Canyon's scope of work to be performed as set forth in the scope of services attached hereto as Exhibit A ("Scope of Services").
4. The County shall continue to regulate all land disturbance activities and to issue land disturbance permits as provided in O.C.G.A. § 12-7-4 and the County's own ordinances.
5. The USSF shall provide up to \$367,000 to the County to cover the Scope of Services for the proposed enhancements on McCurry Park South fields 21, 22, 23, 24 and 25 (collectively, the "Field Enhancements").
6. The USSF shall provide up to \$100,000 in funding or in-kind contribution of goods to the County to cover upgrades to McCurry Park South Concession, Restrooms facilities and a new storage building. USSF shall provide a donation of up to \$50,000 for sports equipment, as outlined in the Scope of Services (collectively, the "Facilities & Equipment Upgrades").
7. The County shall utilize all monies paid by USSF for Field Enhancements and Facilities are utilized for the purposes stated above. In addition, the County shall be responsible for invoicing USSF for services provided in relation to the Field Enhancements and the Facilities and USSF remitting payment within 30 days.
8. County will continue to be responsible for ensuring proper field maintenance for McCurry Park South in accordance with generally accepted sporting standards. The County will continue to be responsible for maintaining the common areas to its current standards at McCurry Park South. On March 31st of 2026, 2027 and 2028, USSF shall provide a \$50,000 payment to the County to help offset operating expenses to support future ongoing maintenance requirements to keep the fields to the upgraded standards once the NTC is operational (the "Maintenance Contribution"). If the conditions in paragraph 12 are not met, USSF will not be required to pay the Maintenance Contribution above.
9. In order to properly maintain and grow in the fields, the County will support FCYSL/USSF's request for (and shall use its commercially reasonable best efforts to support the provision of) additional water usage (including updating the watering schedule) for the completion of the Scope of Services and for the ongoing operation and enjoyment of the McCurry Park South for the use contemplated by the FCYSL/USSF during the term of this MOU.

10. USSF will work directly with FCYSL to secure additional funding for the Project through the local community, donors and available grant programs. In addition, the County will support and approve applications for additional grant funding (i.e., GA100), as applicable. Funding received from such donors and grant programs can and will (at USSF's direction) be either (a) provided to USSF (if not secured by USSF) and/or (b) applied directly to offset the expenditures by the USSF towards the Field Enhancements, Maintenance Fee, Facilities & Equipment Upgrades or Modified Field Enhancements as the case may be (such amounts, the "Offset Funds"). As needed at the completion of the Project, USSF and the County shall conduct a settlement to determine the amount of Offset Funds applied to the Project and amounts to be repaid or returned to USSF.
11. For the avoidance of doubt, neither the County, nor the FCYSL shall, without USSF's prior written consent, (a) permit any contractor working on the Project, including Canyon, to utilize the trademarks or tradename of the USSF (b) issue any press release or public statement about the Project naming USSF.
12. The County will ensure that FCYSL will allow USSF to schedule a minimum of 20 training camps over 18 months from August 2024 through January 2026. The County and FCYSL will continue to provide USSF with shared usage for team training camps and the local community/clubs events after the new USSF NTC becomes operational.
13. This MOU shall continue in effect from its effective date for a term of five (5) years. With the exception of the indemnification provision set forth herein, this MOU shall terminate absolutely and without further obligation on the part of the County or the USSF at the close of the term. Notwithstanding, either party may terminate this MOU if the other party fails to comply with its terms and does not remedy such failure within thirty (30) days of written notice, it being understood that such termination shall not come to the exclusion of any other remedies available to the non-defaulting party at law or equity.
14. To the extent permitted by law, the County shall require each of the County's contractors to indemnify, defend and hold harmless the County and USSF from any and all damage which the County or USSF should suffer from and any and all liability, claims, demands, attorney's fees and costs of defense, or judgment against it, arising from the acceptance of the work completed under this MOU and performed by said contractor. In addition, the County shall use commercially reasonable efforts to require that all contractors that it or FCYSL engages with respect to the Project carry and maintain throughout its work customary insurance

(e.g., Commercial General Liability) commensurate with generally applicable industry standards for projects of the size and scope of the Project, and that such insurance shall list the USSF, the County and FCYSL as additional insureds by endorsement.

15. This MOU constitutes the entire agreement between the parties as to all matters contained herein. All subsequent changes in this MOU must be in writing and signed by both parties.
16. This **First Amended** Memorandum of Understanding by and between County and USSF will become effective this _____ day of _____, 2024.

In witness hereof, the parties hereto acting through their duly authorized agents have caused this MOU to be signed.

FAYETTE COUNTY

Lee Hearn
Chairman

Date: _____

Notary: _____

Date: _____

(SEAL)

Approved as to form:

Fayette County Attorney

UNITED STATES SOCCER FEDERATION, INC

Name
Title

Date: _____

Notary: _____

Date: _____

(SEAL)

Approved as to form:

Attorney

FAYETTE COUNTY YOUTH SOCCER LEAGUE

Bryan McDermott

Date: _____

Notary: _____

Date: _____

(SEAL)

Approved as to form:

Attorney

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

September 12, 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 2nd and 4th Thursday of each month at 5:00 p.m.

OFFICIAL SESSION:**Call to Order**

Chairman Lee Hearn called the September 12, 2024, Board of Commissioners meeting to order at 5:01 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons

Vice Chairman Edward Gibbons 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: None.

PUBLIC HEARING: None.

PUBLIC COMMENT:

Laura Line, Linda Conley, Lotte Commerford, Cynthia Saracino, Robin Allgood, Tracy Florczak, Tami Hurst, Debbie Carroll, Lynne Lasher, and Gale Botwick made public comments.

Animal Shelter

Commenters expressed their appreciation for the wonderful job the new Animal Shelter Director, Tracy Thompson, was doing. They noted that she needed Board support to be successful. They reiterated concerns and frustration regarding disappointment with the size and number of kennels and issues with the RO/holding area; appropriate animal care/treatment, appropriate employee treatment and issues with workplace bullying, capacity concerns, and the need for continued county and citizen/community engagement and teamwork.

Elections

Jamie Harmon expressed her concern regarding adequate funding for the Elections office to efficiently run the upcoming election in November. She asked for Board support in assuring that the Elections office is adequately staffed, has sufficient supplies and any needed security for the upcoming election season.

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda with the exception of item #4. Vice Chairman Gibbons seconded. The motion passed 5-0.

1. **Approval of a disposition of tax refund, as requested by Ruchir Agrawal, in the amount of \$2,883.62 for tax year(s) 2021, 2022 and 2023.**
2. **Approval of disposition of tax refund, as requested by Claude E. Peek Sr., in the additional amount of \$1,401.15 for tax year(s) 2022 and 2023.**
3. **Approval of a disposition of tax refund, as requested by Joel P. Volle, in the amount of \$454.51 for tax year(s) 2021, 2022 and 2023.**
4. **Approval of the donation of three (3) transport vehicles to Fayette County Senior Services, totaling \$134,355, as part of the 2023 SPLOST (Special Local Option Sales Tax) to enable Fayette County Senior Services to maintain control/ownership of the vehicles and to approve the donation of future transport vehicles, as described in the 2023 SPLOST.**

Commissioner Rousseau asked if SPLOST (Special Local Option Sales Tax) funds that were used to purchase these vehicles considered capital access.

County Attorney Dennis Davenport stated yes.

Commissioner Rousseau stated that during his review of this item it outlined that with the donation, ownership of the vehicles would be transferred to Fayette County Senior Services. He asked if Fayette County Senior Services no longer provided services for the County for whatever reason in the future; would these vehicles remain under their ownership. Or would ownership be transferred to whatever entity took over senior services for the County. He expressed that he wanted to ensure the asset was not lost but be retained by the county to continue providing services.

Mr. Davenport stated that the vehicles would be owned by the entity listed on their title and if approved, that would be Fayette County Senior Services. He added that even if their services were no longer a part of Fayette County these vehicles would still belong to them. Mr. Davenport added that it would require a substantial series of events for that type of separation to occur but legally, ownership of the vehicles would remain with entity listed on the titles.

Commissioner Rousseau stated that this raised concerns for him because these were taxpayers' assets that would be given over to a third-party entity. He stated that he had serious reservations about losing these assets should Fayette County Senior Services decide to no longer provide services for the county. Commissioner Rousseau stated that he understood the reason for the need of separation in considering liability, maintenance, and insurance. Even with that acknowledgement, he stated that he was concerned on how it should be handled and was not in favor of giving over ownership of taxpayer's assets to a third-party entity.

Chairman Hern asked if this was a time sensitive item.

Fayette County Chief Financial Officer, Sheryl Weinmann, stated that the longer this process took the longer Fayette County Senior Services would be without access to these vehicles, which were needed to provide services. She added that the County's insurance would not allow non-county employees to drive county owner vehicles. Ms. Weinmann continued stating that a part of the 2023 SPLOST was for transportation vans for Fayette County Senior Services. A donation was the best option to facilitate that.

Chairman Hearn asked if this was the typical way we handled situation like this in the past.

Ms. Weinmann stated that this was the first time the County has ever had to do this, as part of the 2023 SPLOST for transportation vans for Fayette County Senior Services.

Commissioner Maxwell congratulated Fayette County voters who voted for the SPLOST so Fayette County Senior Services could have these vehicles. He stated that although he understood Commissioner Rousseau's concern, he did not share those same feelings. The explanation was given that the vehicles were needed to provide services. He noted that Fayette County Senior Services has been in place for decades and the good they provided the community was evident.

Commissioner Rousseau stated that he understood that this was a SPLOST project that the taxpayers voted for but felt they may not have fully understood the ramifications of this transfer of ownership. He also stated that he fully supported the services that the Fayette County Senior Services provided however, should they go away for any reason, the County would be caught in a compromising position that the new provider may not have adequate transportation vehicles. Commissioner Rousseau stated that he would be open to adding a provision/language that outlined ownership would be based on, "as long as they were the authorized agency" that provided services for the County. He concluded that he would suggest a reversion clause that required the vehicles to remain the property of the service provider.

Mr. Davenport stated that there was a detailed agreement in place that outlined services, housing, etc. between Fayette County Senior Services and Fayette County. He noted that he could not recall off hand if specifics about transportation vehicles was included in that agreement but that could easily be reviewed and revised if so desired by the Board.

Ms. Weinmann stated that the agreement was from August 2008 between Fayette County Senior Services and Fayette County and outlined the use of the building as well as services to be provided. She noted that the agreement renewed annually, as of December 31, if not voted by the Board to discontinue.

Commissioner Maxwell moved to approve the donation of three (3) transport vehicles to Fayette County Senior Services, totaling \$134,355, as part of the 2023 SPLOST (Special Local Option Sales Tax) to enable Fayette County Senior Services to maintain control/ownership of the vehicles and to approve the donation of future transport vehicles, as described in the 2023 SPLOST. Commissioner Oddo seconded. The motion passed 3-2, with Vice Chairman Gibbons and Commissioner Rousseau voting in opposition.

Commissioner Rousseau reiterated that his opposition was in reference to the process/format of the transfer and not regarding the services provided by Fayette County Senior Services, which he fully supported.

5. Approval of the August 22, 2024 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

6. Consideration of Chairman Lee Hearn's recommendation to appoint Leonardo McClarty to the Atlanta Regional Commission (ARC) Workforce Development Board.

Chairman Hearn expressed his appreciation of Mr. McClarty's hard work.

Mr. McClarty stated that he was the current President of the Fayette County Chamber of Commerce. He outlined his career in economic development in various capacities in metro Atlanta and out-of-state and noted that he had served on the Workforce Development Board previously for Dekalb County and in Maryland. He stated that he felt this experience helped qualify him to effectively serve in this capacity and represent Fayette County well; and he hoped to continue providing resources to employers and small businesses enhancing the community.

Chairman Hearn moved to approve to appoint Leonardo McClarty to the Atlanta Regional Commission (ARC) Workforce Development Board. Vice Chairman Gibbons seconded. The motion passed 5-0.

7. Consideration of a recommendation from the Selection Committee comprised of Chairman Lee Hearn and Vice Chairman Gibbons to reappoint Sharon White to a term beginning July 1, 2024 and expiring June 30, 2027 to the McIntosh Trail Community Service Board.

Vice Chairman Gibbons stated that he was impressed by Dr. White's extensive resume and experience and noted that she had previously served on this Board and was eager to continue.

Vice Chairman Gibbons moved to reappoint Sharon White to a term beginning July 1, 2024 and expiring June 30, 2027 to the McIntosh Trail Community Service Board. Commissioner Oddo seconded. The motion passed 5-0.

8. Request of the Water Committee's recommendation to close Lake McIntosh Park on October 24 - 27, 2024 for the Greater Atlanta Air Show.

Water System Director Vanessa Tigert stated that this item was an annual event that was initiated by the Parks and Recreation Director via the special events permitting process. It was reviewed by the Water Committee, and they recommended approval to close Lake McIntosh Park on October 24 - 27, 2024 for the Greater Atlanta Air Show.

Vice Chairman Gibbons moved to approve Water Committee's recommendation to close Lake McIntosh Park on October 24 - 27, 2024 for the Greater Atlanta Air Show. Commissioner Oddo seconded. The motion passed 5-0.

9. Request to approve the proposed 2025 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

Public Works Director Phil Mallon stated that each year Georgia Department of Transportation (GDOT) offered an allotment of funding to each local government calculated based on population vs. center lined roadway mileage. This item was the outlined project list of roads that the grant would be used for. He noted that the list was a comprehensive and included more roads than would be covered by the grant but would allow flexibility once approved.

Commissioner Oddo moved to approve proposed 2025 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Vice Chairman Gibbons seconded.

Chairman Hearn stated that this grant was comprised predominantly via gas tax that the state collected, and Georgia Department of Transportation (GDOT) apportioned back out to the various counties and municipalities throughout the state. He noted that this grant would require a 30% local match.

Mr. Mallon stated that was correct.

Commissioner Maxwell asked if any of the roads included on the project list were in Peachtree City.

Mr. Mallon stated no, these funds would only be used strictly for unincorporated county roads.

Commissioner Oddo moved to approve proposed 2025 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Vice Chairman Gibbons seconded. The motion passed 5-0.

10. Request to award Bid #2431-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBI Cedar Trail Culvert Replacement to the lowest responsive, responsible bidder, The K&E Group USA, LLC, in the amount of \$172,823.38 and to transfer \$19,804.00 from 17SAS Stormwater Improvement Plans CAT IV.

Environmental Management Director, Bryan Keller, stated that this request was to fund a culvert replacement project off Corinth Road and Simpson Road. He stated that this project consisted of the removal of the existing deteriorated 48-inch Corrugated Metal Pipe (CMP) beneath Cedar Trail, replacing it with 48-inch Reinforced Concrete Pipe (RCP) and concrete headwalls.

Commissioner Oddo moved to approve to award Bid #2431-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBI Cedar Trail Culvert Replacement to the lowest responsive, responsible bidder, The K&E Group USA, LLC, in the amount of \$172,823.38 and to transfer \$19,804.00 from 17SAS Stormwater Improvement Plans CAT IV. Vice Chairman Gibbons seconded.

Commissioner Rousseau asked where this project would be funded from.

Mr. Keller stated that it was funded via the 2017 SPLOST.

Commissioner Rousseau asked if there were any funds remaining the old stormwater fund.

Mr. Keller stated no.

Vice Chairman Gibbon stated that there had been eight respondents to the RFP and this was the lowest cost, technically acceptable offering, with the K&E Group USA, LLC being the lowest responsible bidder.

Mr. Keller stated that was correct.

Commissioner Oddo moved to approve to award Bid #2431-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBI Cedar Trail Culvert Replacement to the lowest responsive, responsible bidder, The K&E Group USA, LLC, in the amount of \$172,823.38 and to transfer \$19,804.00 from 17SAS Stormwater Improvement Plans CAT IV. Vice Chairman Gibbons seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #2801-A: Hauling Services – Secondary Contractor Renewal #2

B: Contract #2094-B: Annual Pavement Striping Renewal #2

C: Contract #2118-A: Vegetation Grinding Services Renewal #2

D: Contract #2225-B: Grass Cutting Services Renewal #1

E: Contract #2265-A: Road Temporary Labor Renewal #1

F: Contract #2271-A: Annual Hauling Contract Renewal #1

G: Contract #2373-B: Grass Cutting Services for Brooks and Kiwanis Parks

H: Contract #2388-P: Audit Services

I: Contract #2425-A: Fiber for Fayette County Sheriff's Training Center

J: Contract #2444-A: Dust Control Services

ATTORNEY'S REPORTS:

Notice of Executive Session: County Dennis Davenport stated that there were three items for Executive Session. One item involving threatened litigation, one item involving pending litigation and the review of the August 22, 2024, Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Commissioner Rousseau asked if the transfer station still provided free mulch.

Mr. Mallon confirmed they did.

Commissioner Rousseau stated that this could be a viable resource if deemed safe and acceptable for the Animal Shelter and suggested the animal advocates and staff evaluate that as an option. He continued asking if the Elections Office had requested additional funding or extended elections hours.

Mr. Davenport stated that he had been advised by his colleague Patrick Stough that a request for extended elections hours was being discussed.

Commissioner Rousseau stated that procedurally the Board of Elections would receive those types of requests from staff with budgetary needs attached and if funding was available, they would move forward as desired. Moreover, if additional funding was required to facilitate the need the Board of Elections would come before the Board of Commissioners for assistance.

Mr. Davenport stated that was correct. He stated that the Board of Elections would be hosting a Special Called Meeting September 17th at 11 a.m. for the purpose of discussing advance voting dates and times.

Commissioner Rousseau stated that he had heard that there had been threats and "intimidation of the process" and suggested a close eye be kept on the voting sites to ensure safety of the voters as well as staff during this voting period. Security was vital.

He asked for Board support in having the County Attorney review any options the County may have with respect to the Georgia Power transfer line project. He stated that he was aware of various limitations that the county had, however he would like Mr. Davenport to evaluate any options that may be available in assisting residents in the community being affected.

Commissioner Maxwell stated that he would support the evaluation and noted that he reached out directly to the Georgia Power liaison, Sister Ward, asking her to do all they could in considering underground power lines.

Commissioner Rousseau moved to authorize the County Attorney to conduct an evaluation on any options the Board had to impact change/alter the decision by Georgia Power to run powerlines through residents' personal property.

Commissioner Oddo stated that he attended the recent Georgia Power forum regarding the powerline project. He stated that it was well attended, and citizens did have some misconception on the level of involvement by the Board. He tried to speak with as many as possible with questions to relay the Board's limited position because there was not much the Board could do.

Commissioner Rousseau moved to authorize the County Attorney to conduct an evaluation on any options the Board had to impact change/alter the decision by Georgia Power to run powerlines through residents' personal property. Commissioner Maxwell seconded. The motion passed 5-0.

EXECUTIVE SESSION:

One item involving threatened litigation, one item involving pending litigation and the review of the August 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 6:14 p.m. and returned to Official Session at 6:42 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 August 22, 2024 Executive Session Minutes: Commissioner Oddo moved to approve August 22, 2024, Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the September 12, 2024, Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The September 12, 2024, Board of Commissioners meeting adjourned at 6:43 p.m.

Marlena Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of September 2024. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk

COUNTY AGENDA REQUEST

Page 277 of 358

Department: 911 Communications

Presenter(s): Katye Vogt, Director

Meeting Date: Thursday, September 26, 2024

Type of Request: New Business #10

Wording for the Agenda:

Request to approve the lease term acceptance to change the monthly fees for a tower site at Downtown Tyrone for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.

Background/History/Details:

The upgrade of the Public Safety Radio System is an ongoing SPLOST project. The design included the addition of three (3) new tower sites to bring the total number of towers in the system to ten (10). The existing seven (7) sites required amendments to the existing agreements to accommodate the equipment changes required in the new design. This was one of the new site leases for the project.

In an effort to improve audio quality and reception, EF Johnson has recommended exchanging one of our antennas on this site. The upgraded antenna requires more vertical space on the tower. This increase in space increases the monthly lease rate by \$1,016.61, for a new monthly total of \$6,005.84. Staff has worked diligently to procure the best least rates available to Fayette County.

What action are you seeking from the Board of Commissioners?

Approval of lease term acceptance for a tower site at Downtown Tyrone for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.

If this item requires funding, please describe:

Funds are available in the 911 Communications M&O budget - 21530800-522310.

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Licensor Site Name/Number: Tyrone Downtown, GA/ 26142

Licensor Contract Number: 907836

Licensee Site Name/Number: Tyrone Downtown/ 147 Commerce Dr

FIRST AMENDMENT TO LICENSE AGREEMENT

This First Amendment (the “First Amendment”) to that certain License Agreement dated June 2, 2021, by and between American Towers LLC and Fayette County Board of Commissioners (the “Agreement”) is made and entered into as of the latter signature date hereof, by and between American Towers LLC, a Delaware limited liability company (the “Licensor”) and Fayette County Board of Commissioners (the “Licensee”) (collectively, the “Parties”).

RECITALS

WHEREAS, Licensor owns a certain communications tower on a certain parcel of land located at 147 Commerce Drive, Tyrone, GA 30290-2033 more commonly known to Licensor as the Tyrone Downtown, GA tower site (the “Tower Facility”); and

WHEREAS, Licensor and Licensee entered into the Agreement for the use of a certain portion of the Tower Facility; and

WHEREAS, Licensee desires to modify its equipment at the Tower Facility (“Modified Equipment”); and

WHEREAS, the Parties agree that as consideration for Licensee’s Equipment, the current Monthly License Fee payable under the Agreement shall be increased as set forth herein.

NOW THEREFORE, in consideration of the foregoing promises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

- 1) Licensor and Licensee agree and acknowledge that Licensee shall modify its equipment for a final installed configuration pursuant to Exhibit A-1.
- 2) Licensor and Licensee agree and acknowledge that Exhibit A to the Agreement is hereby deleted in its entirety as of the date this First Amendment is fully executed and shall be replaced with Exhibit A-1 attached hereto and incorporated by this reference. In the event of inconsistency or discrepancy between Exhibit A-1 and Licensee’s equipment information set forth in the Agreement, Exhibit A-1 shall control.
- 3) Effective upon October 1, 2024, (“Commencement Date”), the Monthly License Fee shall be increased by One Thousand Sixteen and 61/100 Dollars (\$1,016.61) per month (“Increased Fee”) which shall result in a total modified Monthly License Fee of Six Thousand Five and 84/100 Dollars (\$6,005.84). The Increased Fee for any fractional month at the beginning or end of the period shall be appropriately prorated.

Licensor Site Name/Number: Tyrone Downtown, GA/ 26142

Licensor Contract Number: 907836

Licensee Site Name/Number: Tyrone Downtown/ 147 Commerce Dr

- 4) Notwithstanding anything to the contrary in the Agreement, the offer to Licensee expressed in this First Amendment shall automatically become null and void with no further obligation by either party hereto if a structural analysis of the Tower Facility completed after the execution of this First Amendment by Licensor but before the Commencement Date of the installation of Licensee's Modified Equipment indicates that the Tower Facility is not suitable for Licensee's Modified Equipment unless Licensor and Licensee mutually agree that structural modifications or repairs shall be made to the Tower Facility on mutually agreeable terms.
- 5) The Parties agree that (i) a digital or electronic signature on this First Amendment and/or (ii) a fully executed scanned or electronically reproduced copy or image of this First Amendment shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence hereof notwithstanding the failure or inability to produce or tender an original, manually executed counterpart of this First Amendment and without the requirement that the unavailability of such original, manually executed counterpart of this First Amendment first be proven.
- 6) Capitalized terms contained herein, unless otherwise defined, are intended to have the same meaning and effect as that set forth in the Agreement.
- 7) All other terms and provisions of the Agreement remain in full force and effect.

[SIGNATURES APPEAR ON THE NEXT PAGE]

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Licensor Site Name/Number: Tyrone Downtown, GA/ 26142

Licensor Contract Number: 907836

Licensee Site Name/Number: Tyrone Downtown/ 147 Commerce Dr

IN WITNESS WHEREOF, the Parties hereto have set their hands to this First Amendment to that certain License Agreement as of the day and year written below:

LICENSOR:

American Towers LLC, a Delaware limited liability company

LICENSEE:

Fayette County Board of Commissioners

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Licensor Site Name/Number: Tyrone Downtown, GA/ 26142

Licensor Contract Number: 907836

Licensee Site Name/Number: Tyrone Downtown/ 147 Commerce Dr

Exhibit A-1

Exhibit A-1						
Customer Name: FAYETTE COUNTY BOARD		ATC Asset Name: Tyrone Downtown		ATC Asset #: 26142		
Customer Site Name: Tyrone Downtown				Customer Site #: 147 Commerce Dr		
GROUND SPACE REQUIREMENTS						
Total Lease Area	Sq.Ft: 493.00	Primary Contiguous Lease Area	L: 29.00'	W: 17.00'	H:	Sq.Ft: 493.00
		Outside Primary Lease Area	N/A	N/A	N/A	Sq.Ft: N/A
BACKUP POWER REQUIREMENTS						
Generator: N/A		Fuel Tank Size (gal): N/A		Fuel Type: N/A		Fuel Tank Setback (radius): N/A
UTILITY REQUIREMENTS						
Power Provided By: Utility Company Direct						
Telco/Interconnect: N/A						
TRANSMITTER & RECEIVER SPECIFICATIONS						
Type: N/A		Quantity: N/A		TX Power (watts): N/A		ERP Power (watts): N/A
EQUIPMENT SPECIFICATIONS						
Type	TTA	OMNI	OMNI	ICE SHIELD	ICE SHIELD	DISH-HP
Manufacturer	dbSpectra	RFS	Sinclair	Generic	Generic	Commscope
Model #	DS7TMA17C	BMR6-D-B1	SC49C-HWBLDF (D00-NUF)	MWIS-3613	6' Ice Shield	VHLP3-11W-6WH
Dimensions HxWxD	10.8" x 6.5" x 4"	66" x 6.6" x 6.6"	202.4" x 5" x 5"	26.8" x 34.5" x 45.4"	14" x 100" x 48"	3' x 3' x -'
Weight (lbs.)	10.0	58.0	68.0	80.0	450.0	53.0
Location	Tower	Tower	Tower	Tower	Tower	Tower
RAD Center AGL	185.0'	185.0'	184.0'	163.0'	157.0'	155.0'
Tip Height	185.5'	187.8'	192.4'	164.1'	157.6'	156.5'
Base Height	184.6'	182.3'	175.6'	161.9'	156.4'	153.5'
Mount Type	Pole Mount	Stand-Off	Stand-Off	Pole Mount	Pole Mount	Pole Mount
Quantity	1	2	1	1	1	1
Azimuths/Dir. of Radiation	0	0	1	0	0	55.70
Quant. Per Azimuth/Sector	1	2	1	1	1	1
TX/RX Frequency Units	MHz	MHz	MHz	N/A	N/A	GHz
TX Frequency	0-0	806-869	0-0	N/A	N/A	10.125-11.700
RX Frequency	793-824	0-0	746-869	N/A	N/A	10.125-11.700
Using Unlicensed Frequencies?	No	No	No	No	No	No
Antenna Gain	N/A	10.3	11.5	N/A	N/A	35.1 / 36.3 / 36.9
Total # of Lines	2	2	1	N/A	N/A	1
Individual Line Configuration	Qty: 1 Type: Coax Diameter: 0.41" (10.3 mm) LMR-400 Azimuth/Sector: 1 Qty: 1 Type: Coax Diameter: 7/8" Coax Azimuth/Sector: 1	Qty: 2 Type: Coax Diameter: 7/8" Coax Azimuth/Sector: 2	Qty: 1 Type: Coax Diameter: 7/8" Coax Azimuth/Sector: 1	N/A	N/A	Qty: 1 Type: Elliptical Diameter: EWP63 Azimuth/Sector: 1
Conduit Configuration	N/A	N/A	N/A	N/A	N/A	N/A

EQUIPMENT SPECIFICATIONS						Page 283 of 358
Type	DISH-HP	N/A	N/A	N/A	N/A	N/A
Manufacturer	Commscope	N/A	N/A	N/A	N/A	N/A
Model #	VHLP6-6W-6WH/A	N/A	N/A	N/A	N/A	N/A
Dimensions HxWxD	6.36' x 6.36' x 3.22'	N/A	N/A	N/A	N/A	N/A
Weight (lbs.)	209.0	N/A	N/A	N/A	N/A	N/A
Location	Tower	N/A	N/A	N/A	N/A	N/A
RAD Center AGL	150.0'	N/A	N/A	N/A	N/A	N/A
Tip Height	153.2'	N/A	N/A	N/A	N/A	N/A
Base Height	146.8'	N/A	N/A	N/A	N/A	N/A
Mount Type	Pole Mount	N/A	N/A	N/A	N/A	N/A
Quantity	1	N/A	N/A	N/A	N/A	N/A
Azimuths/Dir. of Radiation	170.95	N/A	N/A	N/A	N/A	N/A
Quant. Per Azimuth/Sector	1	N/A	N/A	N/A	N/A	N/A
TX/RX Frequency Units	GHz	N/A	N/A	N/A	N/A	N/A
TX Frequency	5925-7.125	N/A	N/A	N/A	N/A	N/A
RX Frequency	5925-7.125	N/A	N/A	N/A	N/A	N/A
Using Unlicensed Frequencies?	No	N/A	N/A	N/A	N/A	N/A
Antenna Gain	35.7 / 36.9 / 37.7	N/A	N/A	N/A	N/A	N/A
Total # of Lines	1	N/A	N/A	N/A	N/A	N/A
Individual Line Configuration	Qty: 1 Type: Elliptical Diameter: EWP63 Azimuth/Sector: 1	N/A	N/A	N/A	N/A	N/A
Conduit Configuration	N/A	N/A	N/A	N/A	N/A	N/A

COUNTY AGENDA REQUEST

Page 284 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Contract #2436-B, Sheriff Watch Office Renovation, to HEC Construction Solutions, LLC in the amount of \$891,038.18 to appoint a General Contractor.

Background/History/Details:

The Fayette County Watch Office Renovation project will consist of the refurbishment and renovation of parts of the Fayette County Sheriff's Office premises. The current Watch Office is located at the rear of the offices. This project will create a public facing entry point into the Sheriff's Offices.

An Invitation to Bid was posted and sent out on June 14, 2024 with all bids due by July 26, 2024. Three companies submitted bids. One bidder was disqualified for not attending the mandatory pre-bid conference, and a second bidder's proposal contained an bid mathematical error of \$102,027.80 and choose to withdrew their bid.

This left one responsive bidder – HEC Construction Solutions, LLC.

What action are you seeking from the Board of Commissioners?

Approval to award Contract #2436-B, Sheriff Watch Office Renovation, to HEC Construction Solutions, LLC in the amount of \$891,038.18 to appoint a General Contractor.

If this item requires funding, please describe:

Funds for this project are available under SPLOST P23AG in the sum of \$1,191,903.46.

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: Colette Cobb 

Date: September 18, 2024

Subject: Contract #2436-B: Sheriff's Watch Office Renovation

The Purchasing Department issued Invitation to Bid #2436-B to secure a general contractor for renovation of the Sheriff's Office watch office. Notice of the opportunity was emailed to 118 companies. Another 30 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91065 (Remodeling & Alteration Services). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, the county website, and Channel 23.

Representatives of 11 general contractors attended the mandatory pre-bid conference.

Three companies submitted bids. One company – Frank Co., LLC – was not present at the mandatory pre-bid conference, so their bid could not be accepted. This left two responsive bids (please see attached).

The apparent low bid contained an error in the total amount bid. When contacted, they acknowledged the error, but did not want to accept a contract for the corrected amount and withdrew their bid.

This left one remaining bidder – HEC Construction Solutions. The Project Manager, Tim Symonds of Morgan Mill Consulting, recommends awarding to HEC Construction Solutions, LLC. They have not contracted with the county in the past, so a Contractor Performance Evaluation is not available. The Project Manager checked their references and reported that the results were satisfactory.

Specifics of the proposed contract are as follows:

Contract Name	#2436-B FCSO Watch Office Renovation	
Contractor	HEC Construction Solutions, LLC	
Contract Amount	\$891,038.18	
Budget:		
Fund	327	2023 SPLOST
Org Code	32730310	Sheriff's Admin. SPLOST
Object	541210	OTHER IMP
Project	P23AG	Watch Office Reconfiguration
Available	\$1,191,903.46	As of 9/16/2024 per Finance Dept.

Invitation to Bid #2436
Sheriff's Watch Office Renovation

[illegible]

Fayette County Sheriff's Office
Project No. 2436-B
Project Name: Watch Office Renovation

Proposal for the appointment of General Contractor

Introduction:

The Watch Office Renovation project will consist of the refurbishment and renovation of parts of the Fayette County Sheriff's Office premises. The current Watch Office is located to the rear of the offices. This project will create a public-facing entry way for visitors to the Sheriff's Office with the Watch Office Records department being realigned to provide a single-point public facing entry into the Sheriff's Office.

Bid Process:

The Project Team worked with the Fayette County Purchasing Department to follow the County's bid process. After the required notice period, bids were sought from qualified General Contractors for the work as set out in the bid documents.

The bid documents were published to the Fayette County Purchasing website on June 14th, 2024, with bids due to be returned on July 26th. A mandatory pre-bid meeting was held on July 9th, 2024, at which 11 interested parties attended. An addendum was issued on July 16th answering questions that had arisen during the bid process.

The following are the responsive bids that were returned:

Responding Companies	Total Bid
HEC Construction Solutions	\$891,038.18
Diversified Construction of Georgia	\$875,359.43

Analysis of the Bids:

The apparent low bid from Diversified Construction was analyzed to ensure the completeness of the bid and to check for any issues. An error was discovered in their bid form. The total bid amount on their submitted Bid Form was shown as \$875,359.43. However, the individual line-item amounts totaled to \$773,331.63 which is a difference of \$102,027.80. The Purchasing Department asked Diversified Construction if they would accept a contract award at the corrected, lower amount, which they declined and withdrew their bid.

This left HEC Construction Services as the remaining bidder. The Project Manager reviewed and checked HEC's bid for any issues. None were found. The references provided by HEC were contacted and two of the three references gave very positive feedback on HEC and confirmed that they would consider using HEC again on future projects. The third reference did not reply.

Funding for the project is available under the SPLOST project code P23AG which currently stands at \$1,191,903.46.

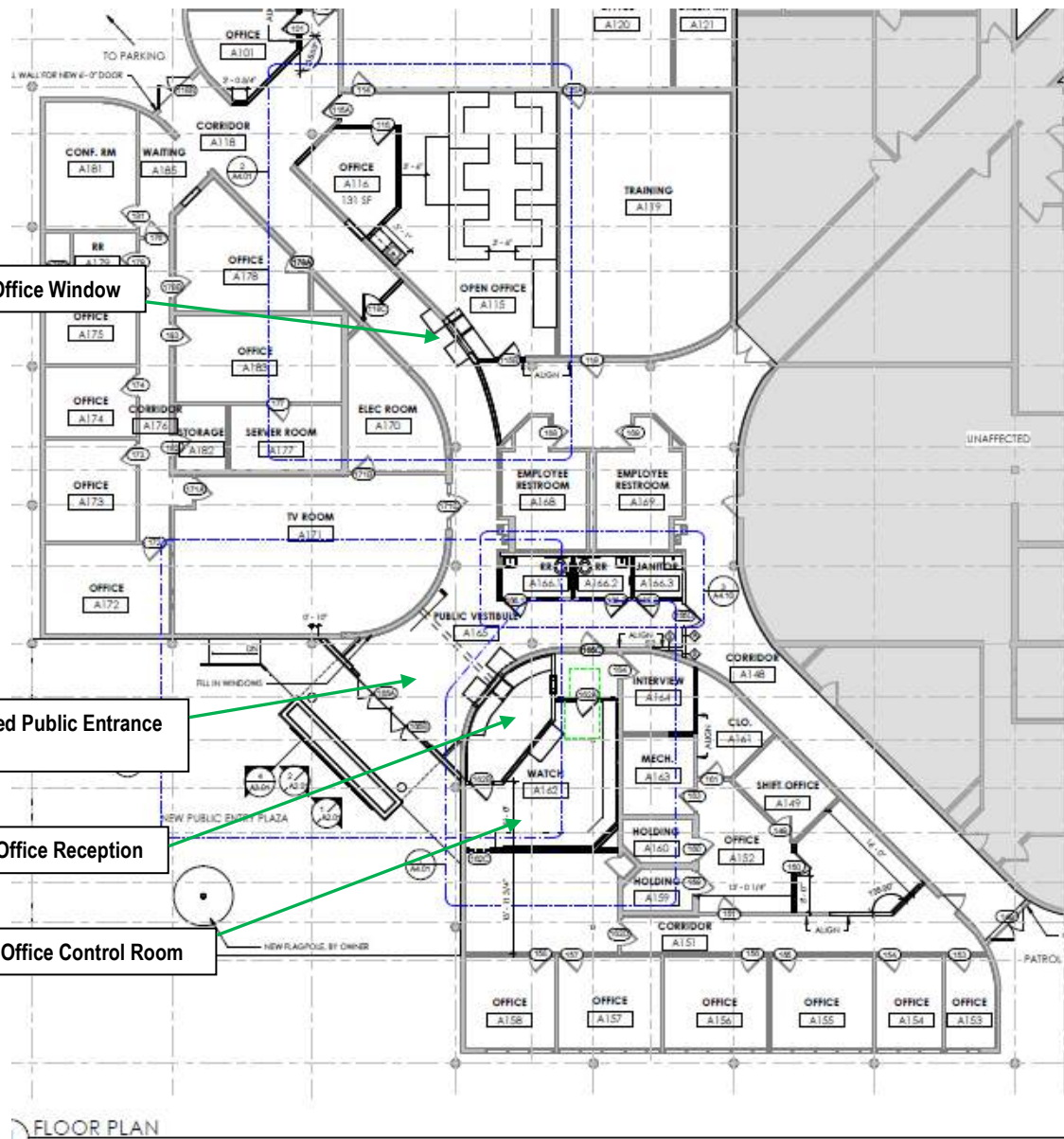
HEC Construction Solutions proposed schedule for the project is 120 calendar days. This is in line with the identified scope of the work and the required lead time for the security windows.

Recommendation:

HEC Construction Solutions have submitted a qualifying bid for the project. The contract sum is within the overall allowed funds for the project. It is the Project Team's recommendation that HEC Construction Solutions be awarded the FCSO Watch Office Renovation project in the contract sum of \$891,028.18

The form of contract will be a Lump Sum Contract AIA Form A101.

Plan of proposed work:



Images of renovated areas:

Watch Office lobby and reception desk



Watch Office internal view of reception desk



Watch Office – control room



**Bid 2436-B: Fayette County Sheriff's Office Watch Office Renovation
BID FORM**

Project: **FCSO WATCH OFFICE RENOVATION**
 Address: **155 JOHNSON AVENUE, FAYETTEVILLE, GA 30215**
 Square Feet: **23,000**
 Contractor: **HEC Construction Solutions**
 Address: **270 Ryan Road Winder GA 30680**
 Contact: **Dathon Rye**
 Email: drye@hecconstructionsolutions.com
 Phone: **770-954-7071**

Plan Date: **3/20/2024**
 Project Start: **2-Sep-24**
 Completion Date: **31-Dec-24**
 Project Duration: **120 Calander Days**

Construction Cost		
		Bid Amount
BASE BID		
General Conditions		
101	Permits (BY OWNER)	0.00
102	Mobilization and Field Office	2,700.00
103	Performance Bond / 100% Material Payment Bond	30,794.87
104	Project Insurance	1,200.00
105	Payroll Taxes & Benefits	\$1,200.00
106	Job Supervision	\$31,200.00
107	Field Eng. / Layout / Construction Staking / Testing	\$3,000.00
108	Equipment	\$8,850.00
109	Expendables / Job Trailer / Toilets / Misc. Expenses	\$4,860.00
110	Construction Utilities (Temporary)	\$540.00
111	Construction Project Signage Allowance	\$1,200.00
112	General Clean-up & Disposal	\$10,800.00
	Sub Total - General Conditions	\$96,344.87
Building Construction		
Division 02 EXISTING CONDITIONS		
	Selective Demolition	45,300.00
	Dumpsters	5,100.00
	Concrete Demo	3,600.00
Division 03 CONCRETE		
	Cast-in-place concrete	16,155.95
Division 04 MASONRY		
	Unit masonry assemblies	16,091.36
Division 05 METALS		
	Structural Steel Framing	24,000.00
	Pipe & Tube Railings	1,580.40
Division 06 WOOD, PLASTICS & COMPOSITES		
	Rough Carpentry	3,000.00
	Miscellaneous Carpentry	3,256.05
	Plastic Laminate faced Architectural Cabinets	76,206.00
Division 07 THERMAL & MOISTURE PROTECTION		
	Roofing, thermal insulation, sheet metal flashing & sealants	20,400.00
Division 08 OPENINGS		
	Metal Doors & Frames, flush wood doors, hardware	54,600.00
	Aluminum Framed Entrances & Storefronts	48,000.00
	Glazing - Bullet Proof Glass and two-way mirror	56,478.00
	Teller windows/drawers	40,389.00
Division 09 FINISHES		
	Metal stud partitions	54,858.11
	Suspended Ceilings	25,170.34
	Ceramic tiling, resilient tile flooring and base	35,221.18
	Painting	30,000.00
Division 10 SPECIALTIES		
	Fire Extinguishers and Accessories	13,200.00
Division 22 PLUMBING		
	Piping & accessories	18,634.92
Division 23 HEATING VENTILATION & AIRCONDITIONING		
	Mechanical, insultation & Ductwork	12,000.00
Division 26 ELECTRICAL		
	Door Security	60,616.80
		30,835.20
	Sub Total - Building Construction	\$694,693.31
Allowances		
	Allowance for new external signage and flagpole	\$15,000
	Allowance for additional structural alterations	\$10,000
	Allowance for additional Mechanical & Electrical alterations	\$10,000
	Allowance for Low Voltage wiring installations & equipment	\$50,000
	Sub Total - Allowances	\$85,000.00
Contingency	For Unknowns	\$15,000
	Total Bid	\$891,038.18

COUNTY AGENDA REQUEST

Page 293 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve the purchase of office furniture and equipment through the Georgia Statewide Contract for the new Public Health Facility at 245 Booker Avenue, Fayetteville, for a total of \$379,278.06.

Background/History/Details:

The new Public Health Facility project will be completed by December 31, 2024. All office furniture and equipment is on a 10-12 week lead time which means that orders for these items need to be placed by the beginning of October. The Project Team has been working with Staples, a pre-qualified preferred supplier with Georgia State Contract, for pricing of all the office / conference rooms / exam room furniture and equipment for the entire facility.

The Project budget for the FF&E has been set at \$1,500,000. To date \$313,963.38 has been approved for Audio Visual installations and rolling filing storage systems, leaving a uncommitted budget of \$1,186,036.62. The breakdown of the cost is as follows:

HON \$340,258.74

Kimbell \$13,144.50

CME \$25,874.82

Total Cost- \$379,278.06

This cost is divided between the various departments as follows: Physical Health - \$75,146.26, Environmental Health - \$36,222.15, WIC - \$63,482.10, Emergency Preparedness - \$82,508.12, McIntosh Trail - \$45,951.02, Conference & Meeting room - \$73,731.27, Delivery & Install \$2,237.14.

What action are you seeking from the Board of Commissioners?

Approval of the purchase of office furniture and equipment through the Georgia Statewide Contract for the new Public Health Facility at 245 Booker Avenue, Fayetteville, for a total of \$379,278.06.

If this item requires funding, please describe:

Funds for this project are available under 205AA - the available funds are \$3,176,540.28. FF&E allocation makes up \$1.5M of this available balance.

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
 From: Ted L. Burgess *TB*
 Date: September 26, 2024

Subject: New Public Health Facility – Furniture, Fixtures, & Equipment

Public Health District 4 and the Fayette County Public Health Department have partnered with the Board of Commissioners to provide a medical office building for public health and community mental health functions. The former East Fayette Elementary School is being renovated for use as the new Public Health facility.

CIP funds totaling \$1,500,000 were set aside for furniture, fixtures, and equipment (FFE). The Project Manager, Tim Symonds of Morgan Mill Consulting, has worked with Public Health to develop a list of items that are required to operate a health facility. It is proposed to issue a purchase order to procure these items to Staples Contract & Commercial, Inc. under their State Contract #99999-SPD-SPD0000167. Staples has agreements with HON (office furniture), Kimbell (reclining examination chairs, & CME (exam tables, stools & blood draw chairs) to provide the FFE.

The total amount allocated for FFE was \$1,500,000.00 to assure that needs could be met. Spending for FFE is as follows:

Audio Visual	\$255,846.99
Patterson Pope Rolling Files	58,116.39
FFE per This Request	<u>379,278.06</u>
Total	\$693,241.44

It is anticipated that additional spending for FFE will not be necessary. Specifics of the proposed contract are as follows:

Procurement Purpose	New PH Facility – Furniture, Fixtures, & Equipment	
Type of Procurement	Purchase Order	
Vendor	Staples Contract & Commercial, Inc.	
Procurement Amount	\$379,278.06	
Budget:		
Fund	375	CIP
Org Code	37550110	Health
Object	541320	Buildings & Structures
Project	205AA	Public Health Building
Available:		
Total Project	\$3,176,540.28	As of 9/18/2024
FFE Allocation	1,186,036.38	Of \$1,500,000.00 Allocation



Connie Roach
 320 Tech Park Dirve
 Lavergne
 TN 37086
 Phone: 336-848-6971
 connie.roach@hitouchbusinessservices.com

QUOTATION

Quote #: BI-347042

SOLD TO:

Tim Symonds
 Fayette County Government
 245 Booker Ave

Fayetteville GA 30215
 404-392-5791

SHIP TO:

Tim Symonds
 Fayette County Government
 245 Booker Ave

Fayetteville GA 30215
 404-392-5791

Project: New Public Health Building - Hon Furniture

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$

EMERGENCY PREPAREDNESS

1	2	HTLCRED42	Preside 20x42 36H Hospitality Credenza	\$1,022.80	\$2,045.60
Tag: EP AV-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .KI Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .V HLSTL Door Pull P Black .C Vent Cutout					
2	2	HTLSHELF	Preside Laminate Credenza Shelf	\$36.80	\$73.60
Tag: EP AV-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut					
3	2	HTRACK	Mounted AV Rack	\$982.80	\$1,965.60
Tag: EP AV-1					
4	12	HCFMU	Cofi Managerial Height Chair	\$465.20	\$5,582.40
Tag: EP CC-1 .Y2 Advancd Synchro-Tilt/St Slider .STC Standard Cylinder .F Fixed .S Black All-Surface Caster \$(1) Grade 1 Uph .UR Contourett 28 Taupe .QLT Quilt Stitch TC00 Coordinating .SB Standard Base					
5	1	HBTTD30	Between Seated height disc base	\$192.00	\$192.00
Tag: EP CT-3 \$(P1) P1 Paint Opts					

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$	
6	1	HBTTRND36	.P8V Textured Titanium		\$181.60	\$181.60	
			36" Round Top				
			Tag: EP CT-3				
			.N No Grommets				
			\$(L1STD) Grd L1 Standard Laminates				
7	2	HJTRGH24	.LK11 Kingswood Walnut		\$25.74	\$51.48	
			.KI Kingswood Walnut				
			24" Cable Management Tray - Black Only				
			Tag: EP CT-4				
			.P Black				
8	1	HQB	Interlink IQ Power Base In-Feed		\$271.83	\$271.83	
			Tag: EP CT-4				
9	2	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank		\$195.78	\$391.56	
			Tag: EP CT-4				
			.SVR Silver				
10	1	HQJ3	Interlink IQ Power Jumper 3ft		\$56.94	\$56.94	
			Tag: EP CT-4				
11	1	HTLC48144	Preside 144W x 48D Rectangular Shaped Laminate Top		\$655.60	\$655.60	
			Tag: EP CT-4				
			.G 2MM/Flat				
			KI Kingswood Walnut				
			.G1 Cut Out For Pop Up Port				
12	1	HTLHP144	\$(L1STD) Grd L1 Standard Laminates		\$988.80	\$988.80	
			.LK11 Kingswood Walnut				
			.LK11 Kingswood Walnut				
			Tag: EP CT-4				
			\$(L1STD) Grd L1 Standard Laminates				
13	4	HUSLMOD1342	.LK11 Kingswood Walnut		\$164.58	\$658.32	
			Laminate Modesty 13h x 42w				
			Tag: EP DK-1				
			\$(L1STD) Grd L1 Standard Laminates				
			.LK11 Kingswood Walnut				
14	4	HPWRTRGH17	.KI Kingswood Walnut		\$24.96	\$99.84	
			.P Black				
			Cable Management Trough 17"W - Graphite Only				
			Tag: EP DK-1				
15	4	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door		\$126.00	\$504.00	
			Tag: EP DK-1				
			\$(L1STD) Grd L1 Standard Laminates				

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON	
BI-347042		9/5/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$	
			.LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black			
16	4	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$504.00	
			Tag: EP DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black			
17	8	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$806.40	
			Tag: EP DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft			
18	4	HLSL2072LR2F	20Dx24Hx72W Low Cred Rh Drawers Footed	\$860.80	\$3,443.20	
			Tag: EP DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .P Black .P Black			
19	4	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$712.00	
			Tag: EP DK-1 \$(P1) Select P1 Paint .P Black			
20	4	HLSL4AM2	4H steel stanchion	\$84.00	\$336.00	
			Tag: EP DK-1 \$(P1) Select P1 Paint .P Black			
21	4	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$1,054.40	
			Tag: EP DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut KI Kingswood Walnut .G Grommets R Greige			
22	4	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$249.60	
			Tag: EP DK-1 .P Black			

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
23	2	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$329.16
		<u>Tag:</u>	EP DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.KI	Kingswood Walnut		
		.P	Black		
24	2	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$49.92
		<u>Tag:</u>	EP DK-2		
25	2	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$252.00
		<u>Tag:</u>	EP DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
		.P	Black		
26	2	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$252.00
		<u>Tag:</u>	EP DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
		.P	Black		
27	4	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$403.20
		<u>Tag:</u>	EP DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
28	2	HLSL2072LL2F	20Dx24Hx72W Low Cred Lh Drawers Footed	\$860.80	\$1,721.60
		<u>Tag:</u>	EP DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.P	Black		
		.P	Black		
29	2	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$356.00
		<u>Tag:</u>	EP DK-2		
		\$(P1)	Select P1 Paint		
		.P	Black		
30	2	HLSL4AM2	4H steel stanchion	\$84.00	\$168.00
		<u>Tag:</u>	EP DK-2		
		\$(P1)	Select P1 Paint		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			.P Black		
31	2	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$527.20
		Tag:	EP DK-2		
			\$(L1STD)		
			.LK11	Grd L1 Standard Laminates	
			KI	Kingswood Walnut	
			.G	Kingswood Walnut	
			R	Grommets	
				Greige	
32	2	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$124.80
		Tag:	EP DK-2		
			.P Black		
33	4	HCFRG	HON Cipher Guest Chair	\$280.40	\$1,121.60
		Tag:	EP GC-1		
			.F	Fixed	
			.E	Glide	
			.IM	4-Way Black	
			\$(1)	Grade 1 Uph	
			.UR	Contourett	
			28	Taupe	
			.TC00	Coordinating	
			.T	Black	
			.P7A	Textured Charcoal	
34	44	HIWMMS	Ign 2.0 Mid-back 4-way Mesh - Mesh Seat	\$404.43	\$17,794.92
		Tag:	EP TC-1		
			.Y1	Synchro-Tilt W Seat Slider	
			.A	Height and Width Adj	
			.S	All Surface Caster	
			.IM	4-Way Black	
			.IMS	Ignition Mesh Seat	
			.BL	Black Adjustable Lumbar	
			.SB	Standard Base	
			.T	Black	
			.N	No Headrest	
35	3	HJTRGH36	36" Cable Management Tray - Black Only	\$31.46	\$94.38
		Tag:	EP TT-3		
			.P Black		
36	3	HMAGANG	Interlink IQ Elect Ganging Hardware	\$54.60	\$163.80
		Tag:	EP TT-3		
37	3	HMBTLEG24	Huddle Fixed Height T-leg bas For 24" tops	\$242.19	\$726.57
		Tag:	EP TT-3		
			.C	Casters	
			\$(P1)	P1 Paint Opt	
			.P8T	Titanium	
38	3	HMT2460G	Huddle 24x60 Table Top w/Edgeband	\$237.90	\$713.70
		Tag:	EP TT-3		
			.G1	Cut Out For Pop-Up Port	

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$	
			\$(L1STD)	Grd L1 Standard Laminates			
			.LOFT	Loft			
			.LOFT	Loft			
39	3	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank		\$195.78	\$587.34	
			Tag: EP TT-3				
			.SVR	Silver			
40	6	HJTRGH36	36" Cable Management Tray - Black Only		\$31.46	\$188.76	
			Tag: EP TT-3 (IL)				
			.P	Black			
41	6	HMAGANG	Interlink IQ Elect Ganging Hardware		\$54.60	\$327.60	
			Tag: EP TT-3 (IL)				
42	6	HMBTLEG24	Huddle Fixed Height T-leg bas For 24" tops		\$242.19	\$1,453.14	
			Tag: EP TT-3 (IL)				
			.C	Casters			
			\$(P1)	P1 Paint Opts			
			.P8T	Titanium			
43	6	HMT2460G	Huddle 24x60 Table Top w/Edgeband		\$237.90	\$1,427.40	
			Tag: EP TT-3 (IL)				
			.G1	Cut Out For Pop-Up Port			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LOFT	Loft			
			.LOFT	Loft			
44	6	HQB	Interlink IQ Power Base In-Feed		\$271.83	\$1,630.98	
			Tag: EP TT-3 (IL)				
45	6	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank		\$195.78	\$1,174.68	
			Tag: EP TT-3 (IL)				
			.SVR	Silver			
46	6	HJTRGH36	36" Cable Management Tray - Black Only		\$31.46	\$188.76	
			Tag: EP TT-3 (IR)				
			.P	Black			
47	6	HMAGANG	Interlink IQ Elect Ganging Hardware		\$54.60	\$327.60	
			Tag: EP TT-3 (IR)				
48	6	HMBTLEG24	Huddle Fixed Height T-leg bas For 24" tops		\$242.19	\$1,453.14	
			Tag: EP TT-3 (IR)				
			.C	Casters			
			\$(P1)	P1 Paint Opts			
			.P8T	Titanium			
49	6	HMT2460G	Huddle 24x60 Table Top w/Edgeband		\$237.90	\$1,427.40	

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$	
			<div>Tag: EP TT-3 (IR) .G1 Cut Out For Pop-Up Port \$(L1STD) Grd L1 Standard Laminates .LOFT Loft .LOFT Loft</div>				
50	6	HQB	Interlink IQ Power Base In-Feed		\$271.83	\$1,630.98	
			<div>Tag: EP TT-3 (IR)</div>				
51	6	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank		\$195.78	\$1,174.68	
			<div>Tag: EP TT-3 (IR) .SVR Silver</div>				
52	10	HEC65PLN	65H "L" Connector Post		\$51.22	\$512.20	
			<div>Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft</div>				
53	4	HEC65PTN	65H "T" Connector Post		\$49.40	\$197.60	
			<div>Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft</div>				
54	6	HECS1	Single Connector Strap		\$5.72	\$34.32	
			<div>Tag: EP WS-1</div>				
55	4	HECSL	"L" Connector Strap		\$5.72	\$22.88	
			<div>Tag: EP WS-1</div>				
56	4	HECST	"T" Connector Strap		\$8.32	\$33.28	
			<div>Tag: EP WS-1</div>				
57	6	HECVH22P	Variable Height Connector Kit 22.5H		\$23.92	\$143.52	
			<div>Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft</div>				
58	6	HEFEC42P	Panel Finished End Covers 42.5H		\$19.50	\$117.00	
			<div>Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft</div>				
59	2	HEFEC65P	Panel Finished End Covers 65H		\$23.40	\$46.80	
			<div>Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft</div>				
60	14	HETC24	Panel Top Cap 24"W		\$14.04	\$196.56	

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft		
61	12	HETC42	Panel Top Cap 42"W	\$22.10	\$265.20
			Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft		
62	6	HETC60	Panel Top Cap 60"W	\$30.16	\$180.96
			Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft		
63	6	HETP4224FP	Tackable Panel w/o TC 42.5H x 24W	\$107.12	\$642.72
			Tag: EP WS-1 \$(A) Grd A Fabric .VST Vast 09 Highway \$(P1) P1 Paint Opts .LOFT Loft		
64	8	HETP6524FP	Tackable Panel w/o TC 65H x 24W	\$128.96	\$1,031.68
			Tag: EP WS-1 \$(A) Grd A Fabric .VST Vast 09 Highway \$(P1) P1 Paint Opts .LOFT Loft		
65	12	HETP6542FP	Tackable Panel w/o TC 65H x 42W	\$158.60	\$1,903.20
			Tag: EP WS-1 \$(A) Grd A Fabric .VST Vast 09 Highway \$(P1) P1 Paint Opts .LOFT Loft		
66	6	HETP6560FP	Tackable Panel w/o TC 65H x 60W	\$176.28	\$1,057.68
			Tag: EP WS-1 \$(A) Grd A Fabric .VST Vast 09 Highway \$(P1) P1 Paint Opts .LOFT Loft		
67	2	HH871060	Electrical Pass-Thru w/o Power Block60"3-1&2-2	\$43.94	\$87.88
			Tag: EP WS-1		
68	4	HH871124	Electrical Pass-Thru Cable 25-1/2W 3-1 & 2-2 Systems	\$46.28	\$185.12
			Tag: EP WS-1		
69	6	HH871142	Electrical Pass-Thru Cable 42W 3-1 & 2-2 Systems	\$48.62	\$291.72

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description			Sell \$	Ext Sell \$
<div>Tag: EP WS-1</div>							
70	2	HH871224	Electrical Power Harness 24W 3-1 & 2-2 Systems			\$72.80	\$145.60
<div>Tag: EP WS-1</div>							
71	2	HH871260	Electrical Power Harness 60W 3-1 & 2-2 Systems			\$76.70	\$153.40
<div>Tag: EP WS-1</div>							
72	2	HH871501	Duplex Receptacle Circuit 1 3-1 & 2-2 Systems			\$15.60	\$31.20
<div>Tag: EP WS-1</div>							
.LOFT Loft							
73	2	HH871502	Duplex Receptacle Circuit 2 3-1 & 2-2 Systems			\$15.60	\$31.20
<div>Tag: EP WS-1</div>							
.LOFT Loft							
74	2	HH871503	Duplex Receptacle Circuit 3 3-1 System Only			\$15.60	\$31.20
<div>Tag: EP WS-1</div>							
.LOFT Loft							
75	6	HH871504	Duplex Receptacle Circuit 4 3-1 & 2-2 Systems			\$15.60	\$93.60
<div>Tag: EP WS-1</div>							
.LOFT Loft							
76	2	HH879072	Base In-Feed Cable Base 3-1 & 2-2 Systems			\$81.38	\$162.76
<div>Tag: EP WS-1</div>							
77	6	HHTADF3	Three-port Flex Mode faceplate			\$9.36	\$56.16
<div>Tag: EP WS-1</div>							
.P Black							
78	6	HHTADJ6	AMP RJ45 CAT 6 Jack			\$19.50	\$117.00
<div>Tag: EP WS-1</div>							
.P Black							
79	12	HSCKTPS	Straight Connector Kit			\$7.80	\$93.60
<div>Tag: EP WS-1</div>							
.X No Option							
80	6	HVFB23R	Box/Box/File 28H x 22 7/8D x 15W			\$197.34	\$1,184.04
<div>Tag: EP WS-1</div>							
.L Lock							
\$(P1) P1 Paint Opts							
.LOFT Loft							
81	6	HCTL241L	Left-hand Cantilever 24"D			\$16.12	\$96.72

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			Tag: EP WS-1 \$(P1) Select P1 Paint .LOFT Loft		
82	6	HHALRETL	Rectangle leg T foot HAT to Panel (LH)	\$48.62	\$291.72
			Tag: EP WS-1 \$(P1) Grade 1 .LOFT Loft		
83	6	HHALRETR	Rectangle leg T foot HAT to Panel (RH)	\$48.62	\$291.72
			Tag: EP WS-1 \$(P1) Grade 1 .LOFT Loft		
84	6	HJTRGH36	36" Cable Management Tray - Black Only	\$31.46	\$188.76
			Tag: EP WS-1 .P Black		
85	6	HRVSH60	Abound Open Shelf 60"	\$126.88	\$761.28
			Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft		
86	6	HWR2460P	Systems Rectangular Worksurface Edgeband 24D x 60W	\$164.58	\$987.48
			Tag: EP WS-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .KI Kingswood Walnut .LOFT Loft		
87	2	HWSB2	Worksurface Bracket Kit	\$16.64	\$33.28
			Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft		
88	6	HHATM3S2LT	Max 3 Stage 2 Leg T Foot	\$538.80	\$3,232.80
			Tag: EP WS-1 \$(P1) P1 Paint Opts .LOFT Loft .X Standard Glide .MEM Memory Preset		
89	6	HHATPWRRMOD3S	Telescoping Wire Chase 3S HAT Solution	\$290.68	\$1,744.08
			Tag: EP WS-1 .AC USB - A/C .DWT White \$(P1) P1 Paint Opts .LOFT Loft		
90	6	HHATW2282CT	82W x 22D Rect Worksurface - C/T Base	\$214.50	\$1,287.00
			Tag: EP WS-1 \$(L1STD) Grd L1 Standard Laminates		

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BI-347042		9/5/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$	
			.LK1 .KI .G1 LOFT .P		Kingswood Walnut Kingswood Walnut 1 Grommet - Centered Loft Black	
91	4	HEC65PLN	65H "L" Connector Post	\$51.22	\$204.88	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	
92	1	HEC65PTN	65H "T" Connector Post	\$49.40	\$49.40	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	
93	2	HECS1	Single Connector Strap	\$5.72	\$11.44	
			Tag: EP WS-2			
94	2	HECSL	"L" Connector Strap	\$5.72	\$11.44	
			Tag: EP WS-2			
95	1	HECST	"T" Connector Strap	\$8.32	\$8.32	
			Tag: EP WS-2			
96	2	HECVH22P	Variable Height Connector Kit 22.5H	\$23.92	\$47.84	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	
97	2	HEFEC42P	Panel Finished End Covers 42.5H	\$19.50	\$39.00	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	
98	1	HEFEC65P	Panel Finished End Covers 65H	\$23.40	\$23.40	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	
99	5	HETC24	Panel Top Cap 24"W	\$14.04	\$70.20	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	
100	6	HETC42	Panel Top Cap 42"W	\$22.10	\$132.60	
			Tag: EP WS-2 \$(P1) .LOFT		P1 Paint Opts Loft	

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
101	2	HETP4224FP	Tackable Panel w/o TC 42.5H x 24W	\$107.12	\$214.24
		<u>Tag:</u>	EP WS-2		
		\$(A)	Grd A Fabric		
		.VST	Vast		
		09	Highway		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
102	3	HETP6524FP	Tackable Panel w/o TC 65H x 24W	\$128.96	\$386.88
		<u>Tag:</u>	EP WS-2		
		\$(A)	Grd A Fabric		
		.VST	Vast		
		09	Highway		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
103	6	HETP6542FP	Tackable Panel w/o TC 65H x 42W	\$158.60	\$951.60
		<u>Tag:</u>	EP WS-2		
		\$(A)	Grd A Fabric		
		.VST	Vast		
		09	Highway		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
104	1	HH871124	Electrical Pass-Thru Cable 25-1/2W 3-1 & 2-2 Systems	\$46.28	\$46.28
		<u>Tag:</u>	EP WS-2		
105	2	HH871142	Electrical Pass-Thru Cable 42W 3-1 & 2-2 Systems	\$48.62	\$97.24
		<u>Tag:</u>	EP WS-2		
106	1	HH871224	Electrical Power Harness 24W 3-1 & 2-2 Systems	\$72.80	\$72.80
		<u>Tag:</u>	EP WS-2		
107	1	HH871242	Electrical Power Harness 42W 3-1 & 2-2 Systems	\$76.70	\$76.70
		<u>Tag:</u>	EP WS-2		
108	1	HH871501	Duplex Receptacle Circuit 1 3-1 & 2-2 Systems	\$15.60	\$15.60
		<u>Tag:</u>	EP WS-2		
		.LOFT	Loft		
109	1	HH871502	Duplex Receptacle Circuit 2 3-1 & 2-2 Systems	\$15.60	\$15.60
		<u>Tag:</u>	EP WS-2		
		.LOFT	Loft		
110	2	HH871504	Duplex Receptacle Circuit 4 3-1 & 2-2 Systems	\$15.60	\$31.20
		<u>Tag:</u>	EP WS-2		
		.LOFT	Loft		
111	1	HH879072	Base In-Feed Cable Base 3-1 & 2-2 Systems	\$81.38	\$81.38

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			<u>Tag:</u> EP WS-2		
112	2	HHTADF3	Three-port Flex Mode faceplate	\$9.36	\$18.72
			<u>Tag:</u> EP WS-2		
			.P Black		
113	2	HHTADJ6	AMP RJ45 CAT 6 Jack	\$19.50	\$39.00
			<u>Tag:</u> EP WS-2		
			.P Black		
114	4	HSCKTPS	Straight Connector Kit	\$7.80	\$31.20
			<u>Tag:</u> EP WS-2		
			.X No Option		
115	2	HVFB23R	Box/Box/File 28H x 22 7/8D x 15W	\$197.34	\$394.68
			<u>Tag:</u> EP WS-2		
			.L Lock		
			\$(P1) P1 Paint Opts		
			.LOFT Loft		
116	2	HCTL241L	Left-hand Cantilever 24"D	\$16.12	\$32.24
			<u>Tag:</u> EP WS-2		
			\$(P1) Select P1 Paint		
			.LOFT Loft		
117	2	HHALRETL	Rectangle leg T foot HAT to Panel (LH)	\$48.62	\$97.24
			<u>Tag:</u> EP WS-2		
			\$(P1) Grade 1		
			.LOFT Loft		
118	2	HHALRETR	Rectangle leg T foot HAT to Panel (RH)	\$48.62	\$97.24
			<u>Tag:</u> EP WS-2		
			\$(P1) Grade 1		
			.LOFT Loft		
119	2	HJTRGH36	36" Cable Management Tray - Black Only	\$31.46	\$62.92
			<u>Tag:</u> EP WS-2		
			.P Black		
120	2	HRVSH42	Abound Open Shelf 42"	\$99.32	\$198.64
			<u>Tag:</u> EP WS-2		
			\$(P1) P1 Paint Opts		
			.LOFT Loft		
121	2	HWR2442P	Systems Rectangular Worksurface Edgeband 24D x 42W	\$131.30	\$262.60
			<u>Tag:</u> EP WS-2		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
			.KI Kingswood Walnut		
			.LOFT Loft		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
122	1	HWSB2	Worksurface Bracket Kit	\$16.64	\$16.64
		<u>Tag:</u>	EP WS-2		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
123	2	HHATM3S2LT	Max 3 Stage 2 Leg T Foot	\$538.80	\$1,077.60
		<u>Tag:</u>	EP WS-2		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
		.X	Standard Glide		
		.MEM	Memory Preset		
124	2	HHATPWRMOD3S	Telescoping Wire Chase 3S HAT Solution	\$290.68	\$581.36
		<u>Tag:</u>	EP WS-2		
		.AC	USB - A/C		
		.DWT	White		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
125	2	HHATW2282CT	82W x 22D Rect Worksurface - C/T Base	\$214.50	\$429.00
		<u>Tag:</u>	EP WS-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.KI	Kingswood Walnut		
		.G1	1 Grommet - Centered		
		LOFT	Loft		
		.P	Black		
Tag Subtotal :				\$82,508.12	

ENVIRONMENTAL HEALTH

126	1	HTLCRED42	Preside 20x42 36H Hospitality Credenza	\$1,022.80	\$1,022.80
		<u>Tag:</u>	EH AV-1		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.KI	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.V	HLSL Door Pull		
		P	Black		
		.C	Vent Cutout		
127	1	HTLSHELF	Preside Laminate Credenza Shelf	\$36.80	\$36.80
		<u>Tag:</u>	EH AV-1		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
128	1	HTRACK	Mounted AV Rack	\$982.80	\$982.80
		<u>Tag:</u>	EH AV-1		
129	12	HCFMU	Cofi Managerial Height Chair	\$465.20	\$5,582.40
		<u>Tag:</u>	EH CC-1		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			.Y2 .STC .F .S \$(1) .UR 28 .QLT TC00 .SB		
			Advanced Synchro-Tilt/St Slider Standard Cylinder Fixed Black All-Surface Caster Grade 1 Uph Contourett Taupe Quilt Stitch Coordinating Standard Base		
130	3	HJTRGH24	24" Cable Management Tray - Black Only	\$25.74	\$77.22
			Tag: EH CT-1 .P Black		
131	1	HQB	Interlink IQ Power Base In-Feed	\$271.83	\$271.83
			Tag: EH CT-1		
132	3	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank	\$195.78	\$587.34
			Tag: EH CT-1 .SVR Silver		
133	2	HQJ3	Interlink IQ Power Jumper 3ft	\$56.94	\$113.88
			Tag: EH CT-1		
134	1	HTLC48180	180"Wx48"D Rect Shaped Lam Top	\$996.40	\$996.40
			Tag: EH CT-1 .G 2MM/Flat KI Kingswood Walnut .G1 Cut Out For Pop Up Port \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut		
135	1	HTLHP180	Lam Hollow Pan Base For 180" W Table Tops	\$1,489.20	\$1,489.20
			Tag: EH CT-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .LK11 Kingswood Walnut		
136	2	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$329.16
			Tag: EH DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .KI Kingswood Walnut .P Black		
137	2	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$49.92
			Tag: EH DK-1		
138	2	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$252.00
			Tag: EH DK-1 \$(L1STD) Grd L1 Standard Laminates		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			.LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black		
139	2	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$252.00
		Tag: EH DK-1			
			\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black		
140	4	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$403.20
		Tag: EH DK-1			
			\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft		
141	2	HLSL2072LR2F	20Dx24Hx72W Low Cred Rh Drawers Footed	\$860.80	\$1,721.60
		Tag: EH DK-1			
			\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .P Black .P Black		
142	2	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$356.00
		Tag: EH DK-1			
			\$(P1) Select P1 Paint .P Black		
143	2	HLSL4AM2	4H steel stanchion	\$84.00	\$168.00
		Tag: EH DK-1			
			\$(P1) Select P1 Paint .P Black		
144	2	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$527.20
		Tag: EH DK-1			
			\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut KI Kingswood Walnut .G Grommets R Greige		
145	2	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$124.80
		Tag: EH DK-1			
			.P Black		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
146	6	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$987.48
		<u>Tag:</u>	EH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.KI	Kingswood Walnut		
		.P	Black		
147	6	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$149.76
		<u>Tag:</u>	EH DK-2		
148	6	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$756.00
		<u>Tag:</u>	EH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
		.P	Black		
149	6	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$756.00
		<u>Tag:</u>	EH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
		.P	Black		
150	12	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$1,209.60
		<u>Tag:</u>	EH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
151	6	HLSL2072LL2F	20Dx24Hx72W Low Cred Lh Drawers Footed	\$860.80	\$5,164.80
		<u>Tag:</u>	EH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.P	Black		
		.P	Black		
152	6	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$1,068.00
		<u>Tag:</u>	EH DK-2		
		\$(P1)	Select P1 Paint		
		.P	Black		
153	6	HLSL4AM2	4H steel stanchion	\$84.00	\$504.00
		<u>Tag:</u>	EH DK-2		
		\$(P1)	Select P1 Paint		

BI / QUOTE #	DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042	9/5/2024		Tim Symonds	Connie Roach

Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			.P Black		
154	6	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$1,581.60
			Tag: EH DK-2		
			\$(L1STD)		
			.LK11 Grd L1 Standard Laminates		
			KI Kingswood Walnut		
			.G Kingswood Walnut		
			R Grommets		
			Greige		
155	6	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$374.40
			Tag: EH DK-2		
			.P Black		
156	2	HCFRG	HON Cipher Guest Chair	\$280.40	\$560.80
			Tag: EH GC-1		
			.F Fixed		
			.E Glide		
			.IM 4-Way Black		
			\$(1) Grade 1 Uph		
			.UR Contourett		
			28 Taupe		
			.TC00 Coordinating		
			.T Black		
			.P7A Textured Charcoal		
157	12	HIWMMS	Ign 2.0 Mid-back 4-way Mesh - Mesh Seat	\$404.43	\$4,853.16
			Tag: EH TC-1		
			.Y1 Synchro-Tilt W Seat Slider		
			.A Height and Width Adj		
			.S All Surface Caster		
			.IM 4-Way Black		
			.IMS Ignition Mesh Seat		
			.BL Black Adjustable Lumbar		
			.SB Standard Base		
			.T Black		
			.N No Headrest		
158	5	HSGS6DF	Accom Set/Two Guest Chairs w/Dual Fabric	\$582.40	\$2,912.00
			Tag: EH WC-1		
			.F Fixed		
			.E Standard Nylon Glide		
			\$(6) Grade 6 Uph		
			.LAT Lattice		
			11 Sage		
			\$(1) Grade 1 Uph		
			.UR Contourett		
			17 Storm		
			.P8V Textured Titanium		

Tag Subtotal : \$36,222.15

MCINTOSH MENTAL HEALTH

159	3	H4041	Olson Stacker 4040 Series Polymer St-Back 4-Ctn	\$406.80	\$1,220.40
			Tag: MMH BC-1		
			.LO Loft		

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description			Sell \$	Ext Sell \$
			.Y	Chrome			
160	3	HBTTTRND36	36" Round Top			\$181.60	\$544.80
			<u>Tag:</u> MMH BT-2				
			.N	No Grommets			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			.KI	Kingswood Walnut			
161	3	HBTTX30S	Seated height X-base for support of 30 36" tops			\$159.60	\$478.80
			<u>Tag:</u> MMH BT-2				
			\$(P1)	P1 Paint Opts			
			.P8V	Textured Titanium			
162	5	HUSLMOD1342	Laminate Modesty 13h x 42w			\$164.58	\$822.90
			<u>Tag:</u> MMH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			.KI	Kingswood Walnut			
			.P	Black			
163	5	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only			\$24.96	\$124.80
			<u>Tag:</u> MMH DK-1				
164	5	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door			\$126.00	\$630.00
			<u>Tag:</u> MMH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
			.P	Black			
165	5	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door			\$126.00	\$630.00
			<u>Tag:</u> MMH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
			.P	Black			
166	10	HLSL1512LSO	12x15x4 storage cube, open			\$100.80	\$1,008.00
			<u>Tag:</u> MMH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
167	5	HLSL2072LR2F	20Dx24Hx72W Low Cred Rh Drawers Footed			\$860.80	\$4,304.00
			<u>Tag:</u> MMH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			.LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .P Black .P Black		
168	5	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$890.00
			Tag: MMH DK-1 \$(P1) Select P1 Paint .P Black		
169	5	HLSL4AM2	4H steel stanchion	\$84.00	\$420.00
			Tag: MMH DK-1 \$(P1) Select P1 Paint .P Black		
170	5	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$1,318.00
			Tag: MMH DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut KI Kingswood Walnut .G Grommets R Greige		
171	5	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$312.00
			Tag: MMH DK-1 .P Black		
172	7	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$1,152.06
			Tag: MMH DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .KI Kingswood Walnut .P Black		
173	7	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$174.72
			Tag: MMH DK-2		
174	7	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$882.00
			Tag: MMH DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black		
175	7	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$882.00
			Tag: MMH DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			\$(P1) Select P1 Paint .LOFT Loft .P Black		
176	14	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$1,411.20
		Tag: MMH DK-2			
		\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft			
177	7	HLSL2072LL2F	20Dx24Hx72W Low Cred Lh Drawers Footed	\$860.80	\$6,025.60
		Tag: MMH DK-2			
		\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .P Black .P Black			
178	7	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$1,246.00
		Tag: MMH DK-2			
		\$(P1) Select P1 Paint .P Black			
179	7	HLSL4AM2	4H steel stanchion	\$84.00	\$588.00
		Tag: MMH DK-2			
		\$(P1) Select P1 Paint .P Black			
180	7	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$1,845.20
		Tag: MMH DK-2			
		\$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut KI Kingswood Walnut .G Grommets R Greige			
181	7	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$436.80
		Tag: MMH DK-2			
		.P Black			
182	30	HCFRG	HON Cipher Guest Chair	\$280.40	\$8,412.00
		Tag: MMH GC-1			
		.F Fixed .E Glide .IM 4-Way Black \$(1) Grade 1 Uph .UR Contourett 28 Taupe .TC00 Coordinating .T Black .P7A Textured Charcoal			
183	18	HIWMMS	Ign 2.0 Mid-back 4-way Mesh - Mesh Seat	\$404.43	\$7,279.74

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			<u>Tag:</u> MMH TC-1		
			.Y1	Synchro-Tilt W Seat Slider	
			.A	Height and Width Adj	
			.S	All Surface Caster	
			.IM	4-Way Black	
			.IMS	Ignition Mesh Seat	
			.BL	Black Adjustable Lumbar	
			.SB	Standard Base	
			.T	Black	
			.N	No Headrest	
184	5	HSGS6DF	Accom Set/Two Guest Chairs w/Dual Fabric	\$582.40	\$2,912.00
			<u>Tag:</u> MMH WC-1		
			.F	Fixed	
			.E	Standard Nylon Glide	
			\$(6)	Grade 6 Uph	
			.LAT	Lattice	
			11	Sage	
			\$(1)	Grade 1 Uph	
			.UR	Contourett	
			17	Storm	
			.P8V	Textured Titanium	
Tag Subtotal :				\$45,951.02	
PUBLIC HEALTH					
185	6	H4041	Olson Stacker 4040 Series Polymer St-Back 4-Ctn	\$406.80	\$2,440.80
			<u>Tag:</u> PH BC-1		
			.LO	Loft	
			.Y	Chrome	
186	4	HTFXL29	Preside 29.5H X-Base for 48 & 60 Tops	\$296.00	\$1,184.00
			<u>Tag:</u> PH BT-1		
			\$(P1)	P1 Paint Opts	
			.P8T	Titanium	
187	4	HTLD60	Preside 60 Round Top	\$336.00	\$1,344.00
			<u>Tag:</u> PH BT-1		
			.G	2mm Edgeband	
			KI	Kingswood Walnut	
			.N	No Grommets	
			\$(L1STD)	Grd L1 Standard Laminates	
			.LKI1	Kingswood Walnut	
188	2	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$329.16
			<u>Tag:</u> PH DK-1		
			\$(L1STD)	Grd L1 Standard Laminates	
			.LKI1	Kingswood Walnut	
			.KI	Kingswood Walnut	
			.P	Black	
189	2	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$49.92
			<u>Tag:</u> PH DK-1		
190	2	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$252.00

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$	
			<u>Tag:</u> PH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
			.P	Black			
191	2	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door		\$126.00	\$252.00	
			<u>Tag:</u> PH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
			.P	Black			
192	4	HLSL1512LSO	12x15x4 storage cube, open		\$100.80	\$403.20	
			<u>Tag:</u> PH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
193	2	HLSL2072LR2F	20Dx24Hx72W Low Cred Rh Drawers Footed		\$860.80	\$1,721.60	
			<u>Tag:</u> PH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(P1)	Select P1 Paint			
			.LOFT	Loft			
			<u>Tag:</u> PH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			.P	Black			
			.P	Black			
194	2	HLSL28AM2	Angled steel leg 29H 2-pack		\$178.00	\$356.00	
			<u>Tag:</u> PH DK-1				
			\$(P1)	Select P1 Paint			
			.P	Black			
195	2	HLSL4AM2	4H steel stanchion		\$84.00	\$168.00	
			<u>Tag:</u> PH DK-1				
			\$(P1)	Select P1 Paint			
			.P	Black			
196	2	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface		\$263.60	\$527.20	
			<u>Tag:</u> PH DK-1				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			KI	Kingswood Walnut			
			.G	Grommets			
			R	Greige			
197	2	HLSLZ5SC72	60"W External Stiffener		\$62.40	\$124.80	
			<u>Tag:</u> PH DK-1				
			.P	Black			

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
198	3	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$493.74
		<u>Tag:</u>	PH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.KI	Kingswood Walnut		
		.P	Black		
199	3	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$74.88
		<u>Tag:</u>	PH DK-2		
200	3	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$378.00
		<u>Tag:</u>	PH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
		.P	Black		
201	3	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$378.00
		<u>Tag:</u>	PH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
		.P	Black		
202	6	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$604.80
		<u>Tag:</u>	PH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(P1)	Select P1 Paint		
		.LOFT	Loft		
203	3	HLSL2072LL2F	20Dx24Hx72W Low Cred Lh Drawers Footed	\$860.80	\$2,582.40
		<u>Tag:</u>	PH DK-2		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LK11	Kingswood Walnut		
		.P	Black		
		.P	Black		
204	3	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$534.00
		<u>Tag:</u>	PH DK-2		
		\$(P1)	Select P1 Paint		
		.P	Black		
205	3	HLSL4AM2	4H steel stanchion	\$84.00	\$252.00
		<u>Tag:</u>	PH DK-2		
		\$(P1)	Select P1 Paint		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON	
BI-347042		9/5/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$	
			.P Black			
206	3	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$790.80	
			Tag: PH DK-2			
			\$(L1STD)	Grd L1 Standard Laminates		
			.LKI1	Kingswood Walnut		
			KI	Kingswood Walnut		
			.G	Grommets		
			R	Greige		
207	3	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$187.20	
			Tag: PH DK-2			
			.P Black			
208	2	HCFRG	HON Cipher Guest Chair	\$280.40	\$560.80	
			Tag: PH GC-1			
			.F	Fixed		
			.E	Glide		
			.IM	4-Way Black		
			\$(1)	Grade 1 Uph		
			.UR	Contourett		
			28	Taupe		
			.TC00	Coordinating		
			.T	Black		
			.P7A	Textured Charcoal		
209	5	HMS2	Motivate High Density Stacker-Uph Seat Set/4	\$638.80	\$3,194.00	
			Tag: PH SC-2B			
			.F	Fixed Arm		
			.LO	Loft		
			\$(1)	Grade 1 Uph		
			.UR	Contourett		
			17	Storm		
			.P8V	Textured Titanium		
210	18	HIWMMS	Ign 2.0 Mid-back 4-way Mesh - Mesh Seat	\$404.43	\$7,279.74	
			Tag: PH TC-1			
			.Y1	Synchro-Tilt W Seat Slider		
			.A	Height and Width Adj		
			.S	All Surface Caster		
			.IM	4-Way Black		
			.IMS	Ignition Mesh Seat		
			.BL	Black Adjustable Lumbar		
			.SB	Standard Base		
			.T	Black		
			.N	No Headrest		
211	10	HMAGANG	Interlink IQ Elect Ganging Hardware	\$54.60	\$546.00	
			Tag: PH TT-2			
212	10	HMBTLEG24	Huddle Fixed Height T-leg bas For 24" tops	\$242.19	\$2,421.90	
			Tag: PH TT-2			
			.C	Casters		
			\$(P1)	P1 Paint Opts		
			.P8T	Titanium		

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON
BI-347042		9/5/2024			Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$
213	10	HMT2460G	Huddle 24x60 Table Top w/Edgeband		\$220.74	\$2,207.40
			Tag:	PH TT-2		
			.N	No Grommets		
			\$(L1STD)	Grd L1 Standard Laminates		
			.LOFT	Loft		
			.LOFT	Loft		
214	16	HSGS6DF	Accom Set/Two Guest Chairs w/Dual Fabric		\$582.40	\$9,318.40
			Tag:	PH WC-1		
			.F	Fixed		
			.E	Standard Nylon Glide		
			\$(6)	Grade 6 Uph		
			.LAT	Lattice		
			11	Sage		
			\$(1)	Grade 1 Uph		
			.UR	Contourett		
			17	Storm		
			.P8V	Textured Titanium		
Tag Subtotal :					\$40,956.74	

TRAINING / MEETING

215	1	HTLCRED42	Preside 20x42 36H Hospitality Credenza	\$1,022.80	\$1,022.80	
		<u>Tag:</u>	T/M AV-1			
			\$(L1STD) Grd L1 Standard Laminates			
			.LK11 Kingswood Walnut			
			.KI Kingswood Walnut			
			\$(L1STD) Grd L1 Standard Laminates			
			.LK11 Kingswood Walnut			
			.V HLSTL Door Pull			
			P Black			
			.C Vent Cutout			
216	1	HTLSHELF	Preside Laminate Credenza Shelf	\$36.80	\$36.80	
		<u>Tag:</u>	T/M AV-1			
			\$(L1STD) Grd L1 Standard Laminates			
			.LK11 Kingswood Walnut			
217	1	HTRACK	Mounted AV Rack	\$982.80	\$982.80	
		<u>Tag:</u>	T/M AV-1			
218	25	HMG2	Motivate 4-Leg Stack Chair-Uph Seat-Set/2	\$411.20	\$10,280.00	
		<u>Tag:</u>	T/M SC-1A			
			.N No Arm			
			.E Standard Nylon Glide			
			.LO Loft			
			\$(6) Grade 6 Uph			
			.WEF Weft			
			13 Salvia			
			.P8V Textured Titanium			
219	25	HMG2	Motivate 4-Leg Stack Chair-Uph Seat-Set/2	\$437.20	\$10,930.00	
		<u>Tag:</u>	T/M SC-1B			
			.F Fixed Arm			

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON	
BI-347042		9/5/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$	
			.E .LO \$(6) .WEF 13 .P8V	Standard Nylon Glide Loft Grade 6 Uph Weft Salvia Textured Titanium		
220	10	HMS2	Motivate High Density Stacker-Uph Seat Set/4	\$586.80	\$5,868.00	
			Tag: T/M SC-2A .N .LO \$(1) .UR 17 .P8V	No Arm Loft Grade 1 Uph Contourett Storm Textured Titanium		
221	10	HMS2	Motivate High Density Stacker-Uph Seat Set/4	\$638.80	\$6,388.00	
			Tag: T/M SC-2B .F .LO \$(1) .UR 17 .P8V	Fixed Arm Loft Grade 1 Uph Contourett Storm Textured Titanium		
222	3	HMSCART	Motivate Cart for Stacking Chairs	\$263.60	\$790.80	
			Tag: T/M SC-2C			
223	31	HJTRGH36	36" Cable Management Tray - Black Only	\$31.46	\$975.26	
			Tag: T/M TT-1 .P	Black		
224	31	HMAGANG	Interlink IQ Elect Ganging Hardware	\$54.60	\$1,692.60	
			Tag: T/M TT-1			
225	31	HMBFLIP24L	Huddle Flip Top Base for 24x60 and 24x72 Tops	\$354.90	\$11,001.90	
			Tag: T/M TT-1 .C \$(P1) .P8T	Casters P1 Paint Opts Titanium		
226	31	HMT2460G	Huddle 24x60 Table Top w/Edgeband	\$237.90	\$7,374.90	
			Tag: T/M TT-1 .G1 \$(L1STD) .LK11 .KI	Cut Out For Pop-Up Port Grd L1 Standard Laminates Kingswood Walnut Kingswood Walnut		
227	31	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank	\$195.78	\$6,069.18	
			Tag: T/M TT-1 .SVR	Silver		
228	4	HJTRGH36	36" Cable Management Tray - Black Only	\$31.46	\$125.84	

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			<u>Tag:</u> T/M TT-1 (IL)		
			.P Black		
229	4	HMAGANG	Interlink IQ Elect Ganging Hardware	\$54.60	\$218.40
			<u>Tag:</u> T/M TT-1 (IL)		
230	4	HMBFLIP24L	Huddle Flip Top Base for 24x60 and 24x72 Tops	\$354.90	\$1,419.60
			<u>Tag:</u> T/M TT-1 (IL)		
			.C Casters		
			\$(P1) P1 Paint Opts		
			.P8T Titanium		
231	4	HMT2460G	Huddle 24x60 Table Top w/Edgeband	\$237.90	\$951.60
			<u>Tag:</u> T/M TT-1 (IL)		
			.G1 Cut Out For Pop-Up Port		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
			.KI Kingswood Walnut		
232	4	HQB	Interlink IQ Power Base In-Feed	\$271.83	\$1,087.32
			<u>Tag:</u> T/M TT-1 (IL)		
233	4	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank	\$195.78	\$783.12
			<u>Tag:</u> T/M TT-1 (IL)		
			.SVR Silver		
234	5	HJTRGH36	36" Cable Management Tray - Black Only	\$31.46	\$157.30
			<u>Tag:</u> T/M TT-1 (IR)		
			.P Black		
235	5	HMAGANG	Interlink IQ Elect Ganging Hardware	\$54.60	\$273.00
			<u>Tag:</u> T/M TT-1 (IR)		
236	5	HMBFLIP24L	Huddle Flip Top Base for 24x60 and 24x72 Tops	\$354.90	\$1,774.50
			<u>Tag:</u> T/M TT-1 (IR)		
			.C Casters		
			\$(P1) P1 Paint Opts		
			.P8T Titanium		
237	5	HMT2460G	Huddle 24x60 Table Top w/Edgeband	\$237.90	\$1,189.50
			<u>Tag:</u> T/M TT-1 (IR)		
			.G1 Cut Out For Pop-Up Port		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
			.KI Kingswood Walnut		
238	5	HQB	Interlink IQ Power Base In-Feed	\$271.83	\$1,359.15
			<u>Tag:</u> T/M TT-1 (IR)		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
239	5	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank	\$195.78	\$978.90
			Tag: T/M TT-1 (IR)		
			.SVR Silver		
Tag Subtotal :				\$73,731.27	

WIC

240	1	HTLCRED42	Preside 20x42 36H Hospitality Credenza	\$1,022.80	\$1,022.80
			Tag: WIC AV-1		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
			.KI Kingswood Walnut		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
			.V HLSL Door Pull		
			P Black		
			.C Vent Cutout		
241	1	HTLSHELF	Preside Laminate Credenza Shelf	\$36.80	\$36.80
			Tag: WIC AV-1		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
242	1	HTRACK	Mounted AV Rack	\$982.80	\$982.80
			Tag: WIC AV-1		
243	1	HT36FB48168	Preside 36.5H Footed Base for 42 and 48x168 Top	\$894.40	\$894.40
			Tag: WIC CT-2		
			\$(P1) P1 Paint Opts		
			.P8T Titanium		
244	1	HTLC48168	Preside 168W x 48D Rectangular Shaped Laminate Top	\$763.20	\$763.20
			Tag: WIC CT-2		
			.G 2MM/Flat		
			LOFT Loft		
			.N No Grommets		
			\$(L1STD) Grd L1 Standard Laminates		
			.LOFT Loft		
245	2	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$329.16
			Tag: WIC DK-1		
			\$(L1STD) Grd L1 Standard Laminates		
			.LK11 Kingswood Walnut		
			.KI Kingswood Walnut		
			.P Black		
246	2	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$49.92
			Tag: WIC DK-1		
247	2	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$252.00

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
			<u>Tag:</u> WIC DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black		
248	2	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$252.00
			<u>Tag:</u> WIC DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black		
249	4	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$403.20
			<u>Tag:</u> WIC DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft		
250	2	HLSL2072LR2F	20Dx24Hx72W Low Cred Rh Drawers Footed	\$860.80	\$1,721.60
			<u>Tag:</u> WIC DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .P Black .P Black		
251	2	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$356.00
			<u>Tag:</u> WIC DK-1 \$(P1) Select P1 Paint .P Black		
252	2	HLSL4AM2	4H steel stanchion	\$84.00	\$168.00
			<u>Tag:</u> WIC DK-1 \$(P1) Select P1 Paint .P Black		
253	2	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface	\$263.60	\$527.20
			<u>Tag:</u> WIC DK-1 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut KI Kingswood Walnut .G Grommets R Greige		
254	2	HLSLZ5SC72	60"W External Stiffener	\$62.40	\$124.80
			<u>Tag:</u> WIC DK-1 .P Black		

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
255	4	HUSLMOD1342	Laminate Modesty 13h x 42w	\$164.58	\$658.32
		Tag: WIC DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .KI Kingswood Walnut .P Black			
256	4	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only	\$24.96	\$99.84
		Tag: WIC DK-2			
257	4	HLSL1512LSCL	12x15x12 storage cube, cabinet left hand door	\$126.00	\$504.00
		Tag: WIC DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black			
258	4	HLSL1512LSCR	12x15x12 storage cube, cabinet right hand door	\$126.00	\$504.00
		Tag: WIC DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft .P Black			
259	8	HLSL1512LSO	12x15x4 storage cube, open	\$100.80	\$806.40
		Tag: WIC DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(P1) Select P1 Paint .LOFT Loft			
260	4	HLSL2072LL2F	20Dx24Hx72W Low Cred Lh Drawers Footed	\$860.80	\$3,443.20
		Tag: WIC DK-2 \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut \$(L1STD) Grd L1 Standard Laminates .LK11 Kingswood Walnut .P Black .P Black			
261	4	HLSL28AM2	Angled steel leg 29H 2-pack	\$178.00	\$712.00
		Tag: WIC DK-2 \$(P1) Select P1 Paint .P Black			
262	4	HLSL4AM2	4H steel stanchion	\$84.00	\$336.00
		Tag: WIC DK-2 \$(P1) Select P1 Paint			

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$	
			.P	Black			
263	4	HLSLR3072	Voi 30"D x 72" W Rectangle Worksurface		\$263.60	\$1,054.40	
			Tag: WIC DK-2				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			KI	Kingswood Walnut			
			.G	Grommets			
			R	Greige			
264	4	HLSLZ5SC72	60"W External Stiffener		\$62.40	\$249.60	
			Tag: WIC DK-2				
			.P	Black			
265	14	HUSLMOD1342	Laminate Modesty 13h x 42w		\$164.58	\$2,304.12	
			Tag: WIC DK-3				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			.KI	Kingswood Walnut			
			.P	Black			
266	14	HPWRTRGH17	Cable Management Trough 17"W - Graphite Only		\$24.96	\$349.44	
			Tag: WIC DK-3				
267	28	HLSL28AM2	Angled steel leg 29H 2-pack		\$178.00	\$4,984.00	
			Tag: WIC DK-3				
			\$(P1)	Select P1 Paint			
			.P	Black			
268	14	HLSLR3060	Voi 30"D x 60" W Rectangle Worksurface		\$225.20	\$3,152.80	
			Tag: WIC DK-3				
			\$(L1STD)	Grd L1 Standard Laminates			
			.LK11	Kingswood Walnut			
			KI	Kingswood Walnut			
			.G	Grommets			
			R	Greige			
269	14	HLSLZ5SC60	48"W External Stiffener		\$55.20	\$772.80	
			Tag: WIC DK-3				
			.P	Black			
270	40	HCFRG	HON Cipher Guest Chair		\$280.40	\$11,216.00	
			Tag: WIC GC-1				
			.F	Fixed			
			.E	Glide			
			.IM	4-Way Black			
			\$(1)	Grade 1 Uph			
			.UR	Contourett			
			28	Taupe			
			.TC00	Coordinating			
			.T	Black			
			.P7A	Textured Charcoal			

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
271	1	HWH2SS	West Hill Two Seat Lounge-Std Cushion	\$2,104.52	\$2,104.52
		<u>Tag:</u>	<u>WIC LS-1</u>		
		.B	Both Arms		
		\$(4)	Grade 4 Uph		
		.LUG	Lugano		
		15	Moonstone		
		.SM	Square Metal		
		P8V	Textured Titanium		
272	7	HS72ABC	Brigade Bookcase 5-Shelf 12-5/8D x 34-1/2W x 71H	\$276.84	\$1,937.88
		<u>Tag:</u>	<u>WIC MS-1</u>		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
273	1	HTLSCURNDT18HW L	Sculpt 18" Rnd Tray Tbl -High Wood Legs	\$666.80	\$666.80
		<u>Tag:</u>	<u>WIC OT-1</u>		
		.N	No Cutout		
		\$(L1STD)	Grd L1 Standard Laminates		
		.LOFT	Loft		
		.LE518	Kingswood Walnut		
		\$(P1)	P1 Paint Opts		
		.LOFT	Loft		
274	1	HMS2	Motivate High Density Stacker-Uph Seat Set/4	\$586.80	\$586.80
		<u>Tag:</u>	<u>WIC SC-2A</u>		
		.N	No Arm		
		.LO	Loft		
		\$(1)	Grade 1 Uph		
		.UR	Contourett		
		17	Storm		
		.P8V	Textured Titanium		
275	1	HMS2	Motivate High Density Stacker-Uph Seat Set/4	\$638.80	\$638.80
		<u>Tag:</u>	<u>WIC SC-2B</u>		
		.F	Fixed Arm		
		.LO	Loft		
		\$(1)	Grade 1 Uph		
		.UR	Contourett		
		17	Storm		
		.P8V	Textured Titanium		
276	12	HMG4	Motivate Four Leg Councner Height Stool Uph Seat	\$275.20	\$3,302.40
		<u>Tag:</u>	<u>WIC ST-1</u>		
		.F	Fixed Arm		
		.F	Felt Glide		
		.LO	Loft		
		\$(1)	Grade 1 Uph		
		.UR	Contourett		
		17	Storm		
		.P8V	Textured Titanium		
277	23	HIWMMS	Ign 2.0 Mid-back 4-way Mesh - Mesh Seat	\$404.43	\$9,301.89
		<u>Tag:</u>	<u>WIC TC-1</u>		
		.Y1	Synchro-Tilt W Seat Slider		
		.A	Height and Width Adj		
		.S	All Surface Caster		

BI / QUOTE #		DATE	CUSTOMER PO NO		MEMO ID	SALESPERSON	
BI-347042		9/5/2024			Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description		Sell \$	Ext Sell \$	
			.IM	4-Way Black			
			.IMS	Ignition Mesh Seat			
			.BL	Black Adjustable Lumbar			
			.SB	Standard Base			
			.T	Black			
			.N	No Headrest			
278	3	HJTRGH36	36" Cable Management Tray - Black Only		\$31.46	\$94.38	
			Tag: WIC TT-3				
			.P	Black			
279	3	HMAGANG	Interlink IQ Elect Ganging Hardware		\$54.60	\$163.80	
			Tag: WIC TT-3				
280	3	HMBTLEG24	Huddle Fixed Height T-leg bas For 24" tops		\$242.19	\$726.57	
			Tag: WIC TT-3				
			.C	Casters			
			\$(P1)	P1 Paint Opts			
			.P8T	Titanium			
281	3	HMT2460G	Huddle 24x60 Table Top w/Edgeband		\$237.90	\$713.70	
			Tag: WIC TT-3				
			.G1	Cut Out For Pop-Up Port			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LOFT	Loft			
			.LOFT	Loft			
282	3	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank		\$195.78	\$587.34	
			Tag: WIC TT-3				
			.SVR	Silver			
283	1	HJTRGH36	36" Cable Management Tray - Black Only		\$31.46	\$31.46	
			Tag: WIC TT-3 (IL)				
			.P	Black			
284	1	HMAGANG	Interlink IQ Elect Ganging Hardware		\$54.60	\$54.60	
			Tag: WIC TT-3 (IL)				
285	1	HMBTLEG24	Huddle Fixed Height T-leg bas For 24" tops		\$242.19	\$242.19	
			Tag: WIC TT-3 (IL)				
			.C	Casters			
			\$(P1)	P1 Paint Opts			
			.P8T	Titanium			
286	1	HMT2460G	Huddle 24x60 Table Top w/Edgeband		\$237.90	\$237.90	
			Tag: WIC TT-3 (IL)				
			.G1	Cut Out For Pop-Up Port			
			\$(L1STD)	Grd L1 Standard Laminates			
			.LOFT	Loft			
			.LOFT	Loft			

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON	
BI-347042		9/5/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$	
287	1	HQB	Interlink IQ Power Base In-Feed	\$271.83	\$271.83	
			Tag: WIC TT-3 (IL)			
288	1	HQH5-P-3P1B	MhoB G1 Pop-up Port for IQ 3 AC/1 Blank	\$195.78	\$195.78	
			Tag: WIC TT-3 (IL)			
			.SVR	Silver		
				Tag Subtotal :	\$60,889.44	
z LABOR						
289	1	LABOR	MEET THE TRUCK, UNLOAD AND INSTALL DURING NORMAL BUSINESS HOURS. NON UNION	\$0.00	\$0.00	
			Tag: ZLABOR			
				Tag Subtotal :	\$0.00	
				Grand Total Sell :	\$340,258.74	

----- Special Instructions -----

Return Policy: Furniture is sourced specifically for the customer and is non-returnable. Damaged or Defective items will be repaired or replaced in keeping with the manufacturer warranties in place at time of order.

This quote is valid for 30 days unless otherwise noted. Applicable Sales Tax will be added at time of invoicing.

----- Additional Instructions -----

By signing this quote, the customer authorizes the procurement of the products and services contained herein. This sale is subject to the Staples Furniture Solutions Terms and Conditions attached.

ACCEPTED BY	TITLE	DATE	PO NUMBER
Grand Total Sell :			\$340,258.74

Page 000 of 000					
BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042		9/5/2024		Tim Symonds	Connie Roach
<u>Line #</u>	<u>Qty</u>	<u>Part Number</u>	<u>Part Description</u>	<u>Sell \$</u>	<u>Ext Sell \$</u>

FURNITURE TERMS AND CONDITIONS

These Terms and Conditions ("T&Cs") apply to all furniture products and services sold by Staples Contract & Commercial LLC ("Staples"). Throughout these T&Cs, your organization will be referred to as "Buyer" or as a "Party". These T&Cs, together with the quote with which these T&Cs are provided/incorporated, form a binding agreement between Staples and Buyer.

1) PRICES OF PRODUCTS AND SERVICES. Buyer may purchase and Staples shall provide the furniture products ("Products") and related services ("Services") at the prices set forth in Staples' written quote. All written quotes for the Products shall be governed by the terms and conditions of these T&Cs and any Exhibit if attached hereto. The purchase price of the Products does not include freight, handling, installation, insurance, sales or other taxes. Staples' prices are subject to change pursuant to the provisions contained herein and as quoted by Staples to Buyer for each project quoted. Freight, handling and installation charges are invoiced separately. Staples reserves the right to reasonably adjust a Product's price if extraordinary market events require immediate adjustment (e.g., shortages, trade disputes, natural disasters, etc.) and to adjust pricing with the impact of tariffs, customs, or duties imposed on Products. Staples will work with Buyer to identify alternative Products to mitigate customs impact where possible.

2) TERM. Either party shall have the right to terminate the provision of Products and Services pursuant to these T&Cs, for any reason, upon thirty (30) calendar days' prior written notice to the other party. All Products and Services quoted as of the effective date of termination shall be invoiced to Buyer upon termination. In the event of a termination by either party or upon cancellation or expiration of the Agreement, Buyer agrees to promptly pay all amounts owed to Staples. Following termination, Staples reserves the right to withhold shipment of Products until all past due invoices owed to Staples by Buyer are paid.

3) DESIGN. Designs, plans, drawings, specifications, and samples (and the contents thereof) provided in connection with the Products are the property of Staples, and may not be used, reproduced or distributed in whole or in part without Staples' written consent.

4) SHIPPING. Staples shall not be responsible for delays or defaults caused by others or by circumstances beyond its control. Unless Buyer has specified shipping instructions in writing herein or by a subsequent written notice, shipment and delivery will be made by the designated carrier and in the manner deemed best by Staples, including partial shipments.

5) RISK OF LOSS AND DAMAGE. Title and risk of loss or damage to the Product shall pass to Buyer when it is delivered to Buyer or Buyer's agent, whichever first occurs. Staples shall not be liable for any shipping damage, delay, default, loss or expense occurring during or attributable to transportation by any third party carrier.

6) DELIVERY AND INSTALLATION. If delivery and installation are part of this sale, the following provisions shall apply:

A. Installation Site Condition - Buyer will ensure the site is clean and free of debris prior to installation. If Staples must remove or assist in removing existing furniture or equipment at the job site, Buyer shall pay Staples for this Service, as separately invoiced.

B. Installation Site Services - Electricity, heat, and elevator service will be furnished at Buyer's expense. Buyer shall provide adequate facilities for docking, moving and handling of Products.

C. Special Packaging or Handling - If special packaging or handling not contained in these T&Cs is required, Buyer shall pay an extra charge as invoiced separately.

D. Delivery/Installation - Delivery and installation will be during normal business hours (8:00 AM to 5:00 PM local time Monday through Friday, except for Staples designated holidays). Buyer shall pay additional labor costs resulting from overtime work performed at Buyer's request. Staples shall designate the personnel to install the Products sold herein. Buyer shall be responsible for obtaining proper permits for the installation. If regulations in force at the time of installation require the use of tradesmen at the site other than Staples designated personnel, Buyer shall pay for any additional costs incurred. If the Products must be moved due to progress of other trades, or other reason, the Buyer agrees to pay the extra cost of moving.

E. Storage Space - Unless the Products arrive at the site earlier than the date requested, the Buyer shall provide safe and adequate storage space at the Buyer's expense. If the space provided is inadequate or inconveniently located (such as on another floor) or requires excessive sorting or other additional expense, the Buyer shall pay the associated cost or expense.

7) INSTALLATION DELAYS. If construction delays or other causes not within Buyer's or Staples' control force postponement of an installation as scheduled, Staples or the Buyer shall store the Products until installation can be resumed, and the Products shall be considered accepted by the Buyer for purposes of invoicing and payment. Buyer shall pay all transfer and storage charges incurred.

8) COMPLETION OF INSTALLATION. Within a reasonable time after installation, authorized representatives of Staples and Buyer shall inspect the Product for conformity with the order and for defects and/or damages, and shall note all such mutually agreed upon items on an installation "Service Report". Upon completion of the inspection, the representatives of Staples and Buyer shall sign the Service Report, which shall constitute acceptance of Products installed, except as noted in the Service Report.

9) CHANGE ORDER/CANCELLATION. Any order changes must be submitted in writing. Staples will use commercially reasonable efforts to accommodate Buyer's written change order request. All changes/cancellation requests shall be evaluated at the time of request by Staples and are subject to revised lead times and/or additional charges as applicable.

10) RETURNS POLICY. Custom or made to order Products, or Products sourced specifically for Buyer are not eligible for return. Upon approval by Staples, stocked inventory Product may be returned subject to a restocking fee exclusive of freight and delivery. Returned Product must be in new and unused condition and returned in its original carton within 14 days of receipt.

11) PAYMENT. Buyer may be required to pay a deposit of 50% of the total purchase price of the Product ordered. Payment terms are net 30 days from the date of shipment and net 10 days on a consolidated billing method (e.g. weekly, monthly). For partial shipments, payment shall be due only for Products received. The remaining balance for any partial shipment shall be due within terms following installation of the Product. Staples may invoice

BI / QUOTE #	DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-347042	9/5/2024		Tim Symonds	Connie Roach
Line # Qty	Part Number	Part Description	Sell \$	Ext Sell \$

Buyer at any time following shipment of the Product. Buyer shall pay the net amount shown on the face of the invoice. Credit cards shall not be accepted unless otherwise agreed by Staples. Staples reserves the right to charge interest on any past due amount at the rate of 1.5% per month, or the maximum rate legally permitted, whichever is less. Staples shall be entitled to recover its costs of collection, including reasonable attorneys' fees.

12) TAXES. Staples may collect, and Buyer shall pay, any taxes, which Staples may be required to pay or collect by law in connection with this sale. Any such taxes will be added to the price at time of invoicing and the Buyer shall pay the same unless the Buyer shall furnish written proof thereof of exemption to Staples prior to the estimated shipping date. The appropriate tax rate will be based on where the Product is received.

13) LIMITED WARRANTY. Staples will pass through all manufacturers' warranties for the Products sold to Buyer in lieu of any other express or implied warranties by Staples. STAPLES EXPRESSLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, NON-INFRINGEMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR USE OR PURPOSE, OR ANY OTHER STATUTORY OR COMMON LAW WARRANTY.

14) LIMITATION OF LIABILITY. Neither party shall be liable to the other for any special, indirect, incidental, consequential, or punitive damages of any kind even if advised of the possibility thereof. In no event shall Staples' liability (whether in contract, tort or otherwise) for damages arising out of the sale, delivery, installation, use or performance of the Product exceed the purchase price of the Product from which the claim arises.

15) CONFIDENTIALITY. The parties will not disclose any confidential information furnished by the other party, except as required by law. For purposes hereof, confidential information includes, but is not limited to, each party's customer lists, prices, purchasing patterns, and financial information provided by either party, whether or not marked as confidential. In the event a party believes it is required by subpoena or other legal process to disclose confidential information received from the other party, it will give prompt written notice to such other party prior to making any disclosures. If this section is breached, the parties agree that monetary damages may not be sufficient to remedy such breach and that the non-breaching party may suffer irreparable damages, and therefore, the parties agree that the non-breaching party will be entitled to equitable and injunctive relief.

16) Press Releases and Advertisements. Unless expressly required by applicable law, neither party shall, without the prior written consent of the other, issue press releases, marketing literature, public statements, or in any way engage in any other form of public disclosure relating to these T&Cs.

17) SECURITY INTEREST. Staples reserves and Buyer grants to Staples a purchase money security interest in the Product and in the proceeds thereof to secure any payment due hereunder including subsequent invoices. Upon Staples request, Buyer shall execute financing statements and other documents reasonably requested by Staples to protect Staples' security interest. Buyer shall maintain the Product in good condition; keep the Product free from liens and encumbrances; and shall not use or permit use of the Product in a manner likely to damage it, nor remove or permit the removal of the Product from the installation location, nor permit the disassembly of the Product and shall permit inspection by Staples' representative at reasonable times. Buyer shall procure and maintain fire, extended coverage, vandalism and malicious mischief insurance to the full insurable value of the Products, with loss payable to Staples as its interest may appear.

18) INDEMNIFICATION. Each party ("Indemnifying Party") shall defend, hold harmless and indemnify the other, its officers, directors, employees, and agents ("Indemnified Party") from and against all third-party claims, damages, or causes of action arising out of or related to the Indemnifying Party's grossly negligent acts or omissions or material breach of any representation, warranty, covenant or obligation under these T&Cs. The Indemnified Party will (a) notify the Indemnifying Party promptly in writing of such action, (b) give the Indemnifying Party sole control of the defense and settlement of such action and (c) provide the Indemnifying Party all reasonable information and assistance requested.

19) FORCE MAJEURE. Neither party shall be liable for delays or impairment of performance resulting in whole or in part from acts of God, labor disruptions, shortages, inability to procure product, supplies or raw materials, severe weather conditions, acts of subcontractors, interruption of utility services, acts of governments, or any other circumstances or causes beyond the control of either party in the conduct of its business.

20) ASSIGNMENT. Neither party may assign the benefits of these T&Cs without the prior written consent of the other, provided however that Staples may assign these T&Cs to any affiliate, subsidiary or controlled entity. Any party who is assigned these T&Cs is bound to all of the terms and conditions contained herein.

21) INSURANCE. Staples shall at its expense maintain: (i) commercial general liability insurance with limits of at least \$1,000,000 combined single limit per occurrence; (ii) if deliveries are to be made by Staples to any Buyer facility, automobile bodily injury and property damage liability insurance covering owned, non-owned and hired automobiles, the limits of which shall not be less than \$1,000,000 combined single limit per occurrence; (iii) employer's liability insurance, the limits of which shall not be less than \$1,000,000; (iv) workers' compensation insurance as prescribed by applicable law; and (v) umbrella/excess coverage in the amount of \$4,000,000 per occurrence. With respect to the coverage described in (i), (ii), and (v) above, Staples shall (a) name Buyer as an additional insured for loss or damage arising out of Staples' products or services under these T&Cs; (b) name Buyer's landlord or property manager as an additional insured when deliveries or services are to be made or performed by Staples at any Buyer facility; (c) waive insurer's subrogation rights against Buyer and Buyer's landlord or property manager, except to the extent loss or damage is caused solely by Buyer or Buyer landlord or property manager; (d) provide primary, non-contributory coverage to additional insureds to the extent loss or damage results from products or services under these T&Cs; and (e) be insured with insurance companies of recognized standing rated A VIII or better by A.M. Best. Buyer and Buyer's landlord or property manager shall receive prior written notice of cancellation in accordance with the policy provisions.

22) Governing Law. The provisions of these T&Cs shall be construed in accordance with the laws of the State of New York excluding its conflicts of law provisions.

23) TERMS AND CONDITIONS OF AGREEMENT. These terms and conditions, in addition to any quote, contain the entire agreement between the parties with respect to the subject matter hereof. All modifications must be in writing, signed by authorized agents of both parties. These T&Cs shall control over any terms and conditions presented in either party's order forms or other documents which conflict with these T&Cs. If there are any additional terms and conditions contained in Buyer's ordering documents that add to or conflict with these terms and conditions, except for product description, pricing, quantity, and delivery instructions, such terms and conditions are expressly objected to and shall not be binding on Staples.



Connie Roach
 320 Tech Park Dirve
 Lavergne
 TN 37086
 Phone: 336-848-6971
 connie.roach@hitouchbusinessservices.com

QUOTATION

Quote #: BI-352127

SOLD TO:

Tim Symonds
 Fayette County Government
 245 Booker Ave

Fayetteville GA 30215
 404-392-5791

SHIP TO:

Tim Symonds
 Fayette County Government
 245 Booker Ave

Fayetteville GA 30215
 404-392-5791

Project: New Public Health Building - Kimball Furniture

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-352127		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$

PUBLIC HEALTH

1	4	K49RCLC	GREER,RECLINER,CENTRAL LOCKING,UPHOLSTERED ARM	\$2,745.00	\$10,980.00
Tag: PH LC-2 2 GRADE 2 11903 DOLCE ARTESIAN 2 GRADE 2 11903 DOLCE ARTESIAN 2 GRADE 2 11903 DOLCE ARTESIAN X NO MOISTURE BARRIER X NO MED TRAY N NO PULL-OUT FOOTREST Y PUSH BAR N NO UTILITY HOOK N NO BUMP GUARD					
Tag Subtotal :				\$10,980.00	

WIC

2	1	K84RMB1C	WILDER,1 SEAT,ROCKER,MID-BACK,CLEANOUT	\$2,164.50	\$2,164.50
Tag: WIC LC-1 2 GRADE 2 11903 DOLCE ARTESIAN 2 GRADE 2 11903 DOLCE ARTESIAN 2 GRADE 2 11903 DOLCE ARTESIAN 2 GRADE 2 11903 DOLCE ARTESIAN STD STANDARD GROUP 1 WL WILLOW X NO MOISTURE BARRIER					
Tag Subtotal :				\$2,164.50	

z LABOR

3	1	LABOR	RECEIVE, DELIVER AND INSTALL DURING NORMAL BUSINESS HOURS	\$0.00	\$0.00
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Prepared By:

Page 1 of 4

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-352127		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$

Tag: ZLABOR

Tag Subtotal : \$0.00

Grand Total Sell : \$13,144.50

Special Instructions

Return Policy: Furniture is sourced specifically for the customer and is non-returnable. Damaged or Defective items will be repaired or replaced in keeping with the manufacturer warranties in place at time of order.

This quote is valid for 30 days unless otherwise noted. Applicable Sales Tax will be added at time of invoicing.

Additional Instructions

By signing this quote, the customer authorizes the procurement of the products and services contained herein. This sale is subject to the Staples Furnitue Solutions Terms and Conditions attached.

ACCEPTED BY	TITLE	DATE	PO NUMBER
			Grand Total Sell : \$13,144.50

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-352127		9/5/2024		Tim Symonds	Connie Roach
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$

FURNITURE TERMS AND CONDITIONS

These Terms and Conditions ("T&Cs") apply to all furniture products and services sold by Staples Contract & Commercial LLC ("Staples"). Throughout these T&Cs, your organization will be referred to as "Buyer" or as a "Party". These T&Cs, together with the quote with which these T&Cs are provided/incorporated, form a binding agreement between Staples and Buyer.

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2) TERM. Either party shall have the right to terminate the provision of Products and Services pursuant to these T&Cs, for any reason, upon thirty (30) calendar days' prior written notice to the other party. All Products and Services quoted as of the effective date of termination shall be invoiced to Buyer upon termination. In the event of a termination by either party or upon cancellation or expiration of the Agreement, Buyer agrees to promptly pay all amounts owed to Staples. Following termination, Staples reserves the right to withhold shipment of Products until all past due invoices owed to Staples by Buyer are paid.

3) DESIGN. Designs, plans, drawings, specifications, and samples (and the contents thereof) provided in connection with the Products are the property of Staples, and may not be used, reproduced or distributed in whole or in part without Staples' written consent.

4) SHIPPING. Staples shall not be responsible for delays or defaults caused by others or by circumstances beyond its control. Unless Buyer has specified shipping instructions in writing herein or by a subsequent written notice, shipment and delivery will be made by the designated carrier and in the manner deemed best by Staples, including partial shipments.

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7) INSTALLATION DELAYS. If construction delays or other causes not within Buyer's or Staples' control force postponement of an installation as scheduled, Staples or the Buyer shall store the Products until installation can be resumed, and the Products shall be considered accepted by the Buyer for purposes of invoicing and payment. Buyer shall pay all transfer and storage charges incurred.

8) COMPLETION OF INSTALLATION. Within a reasonable time after installation, authorized representatives of Staples and Buyer shall inspect the Product for conformity with the order and for defects and/or damages, and shall note all such mutually agreed upon items on an installation "Service Report". Upon completion of the inspection, the representatives of Staples and Buyer shall sign the Service Report, which shall constitute acceptance of Products installed, except as noted in the Service Report.

9) CHANGE ORDER/CANCELLATION. Any order changes must be submitted in writing. Staples will use commercially reasonable efforts to accommodate Buyer's written change order request. All changes/cancellation requests shall be evaluated at the time of request by Staples and are subject to revised lead times and/or additional charges as applicable.

10) RETURNS POLICY. Custom or made to order Products, or Products sourced specifically for Buyer are not eligible for return. Upon approval by Staples, stocked inventory Product may be returned subject to a restocking fee exclusive of freight and delivery. Returned Product must be in new and unused condition and returned in its original carton within 14 days of receipt.

11) PAYMENT. Buyer may be required to pay a deposit of 50% of the total purchase price of the Product ordered. Payment terms are net 30 days from the date of shipment and net 10 days on a consolidated billing method (e.g. weekly, monthly). For partial shipments, payment shall be due only for Products received. The remaining balance for any partial shipment shall be due within terms following installation of the Product. Staples may invoice

BI / QUOTE #	DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-352127	9/5/2024		Tim Symonds	Connie Roach
Line # Qty	Part Number	Part Description	Sell \$	Ext Sell \$

Buyer at any time following shipment of the Product. Buyer shall pay the net amount shown on the face of the invoice. Credit cards shall not be accepted unless otherwise agreed by Staples. Staples reserves the right to charge interest on any past due amount at the rate of 1.5% per month, or the maximum rate legally permitted, whichever is less. Staples shall be entitled to recover its costs of collection, including reasonable attorneys' fees.

12) TAXES. Staples may collect, and Buyer shall pay, any taxes, which Staples may be required to pay or collect by law in connection with this sale. Any such taxes will be added to the price at time of invoicing and the Buyer shall pay the same unless the Buyer shall furnish written proof thereof of exemption to Staples prior to the estimated shipping date. The appropriate tax rate will be based on where the Product is received.

13) LIMITED WARRANTY. Staples will pass through all manufacturers' warranties for the Products sold to Buyer in lieu of any other express or implied warranties by Staples. STAPLES EXPRESSLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, NON-INFRINGEMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR USE OR PURPOSE, OR ANY OTHER STATUTORY OR COMMON LAW WARRANTY.

14) LIMITATION OF LIABILITY. Neither party shall be liable to the other for any special, indirect, incidental, consequential, or punitive damages of any kind even if advised of the possibility thereof. In no event shall Staples' liability (whether in contract, tort or otherwise) for damages arising out of the sale, delivery, installation, use or performance of the Product exceed the purchase price of the Product from which the claim arises.

15) CONFIDENTIALITY. The parties will not disclose any confidential information furnished by the other party, except as required by law. For purposes hereof, confidential information includes, but is not limited to, each party's customer lists, prices, purchasing patterns, and financial information provided by either party, whether or not marked as confidential. In the event a party believes it is required by subpoena or other legal process to disclose confidential information received from the other party, it will give prompt written notice to such other party prior to making any disclosures. If this section is breached, the parties agree that monetary damages may not be sufficient to remedy such breach and that the non-breaching party may suffer irreparable damages, and therefore, the parties agree that the non-breaching party will be entitled to equitable and injunctive relief.

16) Press Releases and Advertisements. Unless expressly required by applicable law, neither party shall, without the prior written consent of the other, issue press releases, marketing literature, public statements, or in any way engage in any other form of public disclosure relating to these T&Cs.

17) SECURITY INTEREST. Staples reserves and Buyer grants to Staples a purchase money security interest in the Product and in the proceeds thereof to secure any payment due hereunder including subsequent invoices. Upon Staples request, Buyer shall execute financing statements and other documents reasonably requested by Staples to protect Staples' security interest. Buyer shall maintain the Product in good condition; keep the Product free from liens and encumbrances; and shall not use or permit use of the Product in a manner likely to damage it, nor remove or permit the removal of the Product from the installation location, nor permit the disassembly of the Product and shall permit inspection by Staples' representative at reasonable times. Buyer shall procure and maintain fire, extended coverage, vandalism and malicious mischief insurance to the full insurable value of the Products, with loss payable to Staples as its interest may appear.

18) INDEMNIFICATION. Each party ("Indemnifying Party") shall defend, hold harmless and indemnify the other, its officers, directors, employees, and agents ("Indemnified Party") from and against all third-party claims, damages, or causes of action arising out of or related to the Indemnifying Party's grossly negligent acts or omissions or material breach of any representation, warranty, covenant or obligation under these T&Cs. The Indemnified Party will (a) notify the Indemnifying Party promptly in writing of such action, (b) give the Indemnifying Party sole control of the defense and settlement of such action and (c) provide the Indemnifying Party all reasonable information and assistance requested.

19) FORCE MAJEURE. Neither party shall be liable for delays or impairment of performance resulting in whole or in part from acts of God, labor disruptions, shortages, inability to procure product, supplies or raw materials, severe weather conditions, acts of subcontractors, interruption of utility services, acts of governments, or any other circumstances or causes beyond the control of either party in the conduct of its business.

20) ASSIGNMENT. Neither party may assign the benefits of these T&Cs without the prior written consent of the other, provided however that Staples may assign these T&Cs to any affiliate, subsidiary or controlled entity. Any party who is assigned these T&Cs is bound to all of the terms and conditions contained herein.

21) INSURANCE. Staples shall at its expense maintain: (i) commercial general liability insurance with limits of at least \$1,000,000 combined single limit per occurrence; (ii) if deliveries are to be made by Staples to any Buyer facility, automobile bodily injury and property damage liability insurance covering owned, non-owned and hired automobiles, the limits of which shall not be less than \$1,000,000 combined single limit per occurrence; (iii) employer's liability insurance, the limits of which shall not be less than \$1,000,000; (iv) workers' compensation insurance as prescribed by applicable law; and (v) umbrella/excess coverage in the amount of \$4,000,000 per occurrence. With respect to the coverage described in (i), (ii), and (v) above, Staples shall (a) name Buyer as an additional insured for loss or damage arising out of Staples' products or services under these T&Cs; (b) name Buyer's landlord or property manager as an additional insured when deliveries or services are to be made or performed by Staples at any Buyer facility; (c) waive insurer's subrogation rights against Buyer and Buyer's landlord or property manager, except to the extent loss or damage is caused solely by Buyer or Buyer landlord or property manager; (d) provide primary, non-contributory coverage to additional insureds to the extent loss or damage results from products or services under these T&Cs; and (e) be insured with insurance companies of recognized standing rated A VIII or better by A.M. Best. Buyer and Buyer's landlord or property manager shall receive prior written notice of cancellation in accordance with the policy provisions.

22) Governing Law. The provisions of these T&Cs shall be construed in accordance with the laws of the State of New York excluding its conflicts of law provisions.

23) TERMS AND CONDITIONS OF AGREEMENT. These terms and conditions, in addition to any quote, contain the entire agreement between the parties with respect to the subject matter hereof. All modifications must be in writing, signed by authorized agents of both parties. These T&Cs shall control over any terms and conditions presented in either party's order forms or other documents which conflict with these T&Cs. If there are any additional terms and conditions contained in Buyer's ordering documents that add to or conflict with these terms and conditions, except for product description, pricing, quantity, and delivery instructions, such terms and conditions are expressly objected to and shall not be binding on Staples.



Connie Roach
 320 Tech Park Drive
 Lavergne
 TN 37086
 Phone: 336-848-6971
 connie.roach@hitouchbusinessservices.com

QUOTATION

Quote #: BI-352130

SOLD TO:

Tim Symonds
 Fayette County Government
 245 Booker Ave

Fayetteville GA 30215
 404-392-5791

SHIP TO:

Tim Symonds
 Fayette County Government
 245 Booker Ave

Fayetteville GA 30215
 404-392-5791

Project: New Public Health Building - CME Furniture

BI / QUOTE #	DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-352130	9/12/2024		Tim Symonds	Connie Roach

Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$
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PH DC-1

1	1	CESS-91010-00BF	CME Blood Drawing Chair, Color - Blue Fog	\$1,117.69	\$1,117.69
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Tag For: PH DC-1

Tag Subtotal : \$1,117.69

PH ES-1

2	11	CESS-1093-00BF	CME Physician Examination Stool w/ Chrome Finish Base, Color-Blue Fog	\$496.55	\$5,462.05
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Tag For: PH ES-1

Tag Subtotal : \$5,462.05

PH ET-1

3	6	CESS-5224-00GU-99	CME Examination Table w/ Pass Through Drawers, 500lb Weight Capacity, Color 23 Feather	\$2,771.63	\$16,629.78
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Tag For: PH ET-1

Tag Subtotal : \$16,629.78

WIC CS-1

4	1	CESS-A-KB300-01	CME Horizontal Plastic Changing Station (Grey)	\$428.16	\$428.16
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Tag For: WIC CS-1

Tag Subtotal : \$428.16

y FREIGHT

5	1	FREIGHT	CME Freight	\$1,172.14	\$1,172.14
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Tag For: y FREIGHT

Prepared By:

Page 1 of 4

BI / QUOTE #		DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON	
BI-352130		9/12/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$	
Tag Subtotal :					\$1,172.14	

ZLABOR

6	1	LABOR	RECEIVE, DELIVER AND INSTALL DURING NORMAL BUSINESS HOURS, NON UNION	\$1,065.00	\$1,065.00
			<u>Tag For:</u> <u>ZLABOR</u>		
				Tag Subtotal :	\$1,065.00

Grand Total Sell :					\$25,874.82	
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----- Special Instructions -----

Return Policy: Furniture is sourced specifically for the customer and is non-returnable. Damaged or Defective items will be repaired or replaced in keeping with the manufacturer warranties in place at time of order.

This quote is valid for 30 days unless otherwise noted. Applicable Sales Tax will be added at time of invoicing.

----- Additional Instructions -----

By signing this quote, the customer authorizes the procurement of the products and services contained herein.
This sale is subject to the Staples Furnitue Solutions Terms and Conditions attached.

ACCEPTED BY	TITLE	DATE	PO NUMBER
Grand Total Sell :			\$25,874.82

Page 000 of 000

BI / QUOTE #	DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON	
BI-352130	9/12/2024		Tim Symonds	Connie Roach	
Line #	Qty	Part Number	Part Description	Sell \$	Ext Sell \$

FURNITURE TERMS AND CONDITIONS

These Terms and Conditions ("T&Cs") apply to all furniture products and services sold by Staples Contract & Commercial LLC ("Staples"). Throughout these T&Cs, your organization will be referred to as "Buyer" or as a "Party". These T&Cs, together with the quote with which these T&Cs are provided/incorporated, form a binding agreement between Staples and Buyer.

1) PRICES OF PRODUCTS AND SERVICES. Buyer may purchase and Staples shall provide the furniture products ("Products") and related services ("Services") at the prices set forth in Staples' written quote. All written quotes for the Products shall be governed by the terms and conditions of these T&Cs and any Exhibit if attached hereto. The purchase price of the Products does not include freight, handling, installation, insurance, sales or other taxes. Staples' prices are subject to change pursuant to the provisions contained herein and as quoted by Staples to Buyer for each project quoted. Freight, handling and installation charges are invoiced separately. Staples reserves the right to reasonably adjust a Product's price if extraordinary market events require immediate adjustment (e.g., shortages, trade disputes, natural disasters, etc.) and to adjust pricing with the impact of tariffs, customs, or duties imposed on Products. Staples will work with Buyer to identify alternative Products to mitigate customs impact where possible.

2) TERM. Either party shall have the right to terminate the provision of Products and Services pursuant to these T&Cs, for any reason, upon thirty (30) calendar days' prior written notice to the other party. All Products and Services quoted as of the effective date of termination shall be invoiced to Buyer upon termination. In the event of a termination by either party or upon cancellation or expiration of the Agreement, Buyer agrees to promptly pay all amounts owed to Staples. Following termination, Staples reserves the right to withhold shipment of Products until all past due invoices owed to Staples by Buyer are paid.

3) DESIGN. Designs, plans, drawings, specifications, and samples (and the contents thereof) provided in connection with the Products are the property of Staples, and may not be used, reproduced or distributed in whole or in part without Staples' written consent.

4) SHIPPING. Staples shall not be responsible for delays or defaults caused by others or by circumstances beyond its control. Unless Buyer has specified shipping instructions in writing herein or by a subsequent written notice, shipment and delivery will be made by the designated carrier and in the manner deemed best by Staples, including partial shipments.

5) RISK OF LOSS AND DAMAGE. Title and risk of loss or damage to the Product shall pass to Buyer when it is delivered to Buyer or Buyer's agent, whichever first occurs. Staples shall not be liable for any shipping damage, delay, default, loss or expense occurring during or attributable to transportation by any third party carrier.

6) DELIVERY AND INSTALLATION. If delivery and installation are part of this sale, the following provisions shall apply:

A. Installation Site Condition - Buyer will ensure the site is clean and free of debris prior to installation. If Staples must remove or assist in removing existing furniture or equipment at the job site, Buyer shall pay Staples for this Service, as separately invoiced.

B. Installation Site Services - Electricity, heat, and elevator service will be furnished at Buyer's expense. Buyer shall provide adequate facilities for docking, moving and handling of Products.

C. Special Packaging or Handling - If special packaging or handling not contained in these T&Cs is required, Buyer shall pay an extra charge as invoiced separately.

D. Delivery/Installation - Delivery and installation will be during normal business hours (8:00 AM to 5:00 PM local time Monday through Friday, except for Staples designated holidays). Buyer shall pay additional labor costs resulting from overtime work performed at Buyer's request. Staples shall designate the personnel to install the Products sold herein. Buyer shall be responsible for obtaining proper permits for the installation. If regulations in force at the time of installation require the use of tradesmen at the site other than Staples designated personnel, Buyer shall pay for any additional costs incurred. If the Products must be moved due to progress of other trades, or other reason, the Buyer agrees to pay the extra cost of moving.

E. Storage Space - Unless the Products arrive at the site earlier than the date requested, the Buyer shall provide safe and adequate storage space at the Buyer's expense. If the space provided is inadequate or inconveniently located (such as on another floor) or requires excessive sorting or other additional expense, the Buyer shall pay the associated cost or expense.

7) INSTALLATION DELAYS. If construction delays or other causes not within Buyer's or Staples' control force postponement of an installation as scheduled, Staples or the Buyer shall store the Products until installation can be resumed, and the Products shall be considered accepted by the Buyer for purposes of invoicing and payment. Buyer shall pay all transfer and storage charges incurred.

8) COMPLETION OF INSTALLATION. Within a reasonable time after installation, authorized representatives of Staples and Buyer shall inspect the Product for conformity with the order and for defects and/or damages, and shall note all such mutually agreed upon items on an installation "Service Report". Upon completion of the inspection, the representatives of Staples and Buyer shall sign the Service Report, which shall constitute acceptance of Products installed, except as noted in the Service Report.

9) CHANGE ORDER/CANCELLATION. Any order changes must be submitted in writing. Staples will use commercially reasonable efforts to accommodate Buyer's written change order request. All changes/cancellation requests shall be evaluated at the time of request by Staples and are subject to revised lead times and/or additional charges as applicable.

10) RETURNS POLICY. Custom or made to order Products, or Products sourced specifically for Buyer are not eligible for return. Upon approval by Staples, stocked inventory Product may be returned subject to a restocking fee exclusive of freight and delivery. Returned Product must be in new and unused condition and returned in its original carton within 14 days of receipt.

11) PAYMENT. Buyer may be required to pay a deposit of 50% of the total purchase price of the Product ordered. Payment terms are net 30 days from the date of shipment and net 10 days on a consolidated billing method (e.g. weekly, monthly). For partial shipments, payment shall be due only for Products received. The remaining balance for any partial shipment shall be due within terms following installation of the Product. Staples may invoice

BI / QUOTE #	DATE	CUSTOMER PO NO	MEMO ID	SALESPERSON
BI-352130	9/12/2024		Tim Symonds	Connie Roach
Line # Qty	Part Number	Part Description	Sell \$	Ext Sell \$

Buyer at any time following shipment of the Product. Buyer shall pay the net amount shown on the face of the invoice. Credit cards shall not be accepted unless otherwise agreed by Staples. Staples reserves the right to charge interest on any past due amount at the rate of 1.5% per month, or the maximum rate legally permitted, whichever is less. Staples shall be entitled to recover its costs of collection, including reasonable attorneys' fees.

12) TAXES. Staples may collect, and Buyer shall pay, any taxes, which Staples may be required to pay or collect by law in connection with this sale. Any such taxes will be added to the price at time of invoicing and the Buyer shall pay the same unless the Buyer shall furnish written proof thereof of exemption to Staples prior to the estimated shipping date. The appropriate tax rate will be based on where the Product is received.

13) LIMITED WARRANTY. Staples will pass through all manufacturers' warranties for the Products sold to Buyer in lieu of any other express or implied warranties by Staples. STAPLES EXPRESSLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, NON-INFRINGEMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR USE OR PURPOSE, OR ANY OTHER STATUTORY OR COMMON LAW WARRANTY.

14) LIMITATION OF LIABILITY. Neither party shall be liable to the other for any special, indirect, incidental, consequential, or punitive damages of any kind even if advised of the possibility thereof. In no event shall Staples' liability (whether in contract, tort or otherwise) for damages arising out of the sale, delivery, installation, use or performance of the Product exceed the purchase price of the Product from which the claim arises.

15) CONFIDENTIALITY. The parties will not disclose any confidential information furnished by the other party, except as required by law. For purposes hereof, confidential information includes, but is not limited to, each party's customer lists, prices, purchasing patterns, and financial information provided by either party, whether or not marked as confidential. In the event a party believes it is required by subpoena or other legal process to disclose confidential information received from the other party, it will give prompt written notice to such other party prior to making any disclosures. If this section is breached, the parties agree that monetary damages may not be sufficient to remedy such breach and that the non-breaching party may suffer irreparable damages, and therefore, the parties agree that the non-breaching party will be entitled to equitable and injunctive relief.

16) Press Releases and Advertisements. Unless expressly required by applicable law, neither party shall, without the prior written consent of the other, issue press releases, marketing literature, public statements, or in any way engage in any other form of public disclosure relating to these T&Cs.

17) SECURITY INTEREST. Staples reserves and Buyer grants to Staples a purchase money security interest in the Product and in the proceeds thereof to secure any payment due hereunder including subsequent invoices. Upon Staples request, Buyer shall execute financing statements and other documents reasonably requested by Staples to protect Staples' security interest. Buyer shall maintain the Product in good condition; keep the Product free from liens and encumbrances; and shall not use or permit use of the Product in a manner likely to damage it, nor remove or permit the removal of the Product from the installation location, nor permit the disassembly of the Product and shall permit inspection by Staples' representative at reasonable times. Buyer shall procure and maintain fire, extended coverage, vandalism and malicious mischief insurance to the full insurable value of the Products, with loss payable to Staples as its interest may appear.

18) INDEMNIFICATION. Each party ("Indemnifying Party") shall defend, hold harmless and indemnify the other, its officers, directors, employees, and agents ("Indemnified Party") from and against all third-party claims, damages, or causes of action arising out of or related to the Indemnifying Party's grossly negligent acts or omissions or material breach of any representation, warranty, covenant or obligation under these T&Cs. The Indemnified Party will (a) notify the Indemnifying Party promptly in writing of such action, (b) give the Indemnifying Party sole control of the defense and settlement of such action and (c) provide the Indemnifying Party all reasonable information and assistance requested.

19) FORCE MAJEURE. Neither party shall be liable for delays or impairment of performance resulting in whole or in part from acts of God, labor disruptions, shortages, inability to procure product, supplies or raw materials, severe weather conditions, acts of subcontractors, interruption of utility services, acts of governments, or any other circumstances or causes beyond the control of either party in the conduct of its business.

20) ASSIGNMENT. Neither party may assign the benefits of these T&Cs without the prior written consent of the other, provided however that Staples may assign these T&Cs to any affiliate, subsidiary or controlled entity. Any party who is assigned these T&Cs is bound to all of the terms and conditions contained herein.

21) INSURANCE. Staples shall at its expense maintain: (i) commercial general liability insurance with limits of at least \$1,000,000 combined single limit per occurrence; (ii) if deliveries are to be made by Staples to any Buyer facility, automobile bodily injury and property damage liability insurance covering owned, non-owned and hired automobiles, the limits of which shall not be less than \$1,000,000 combined single limit per occurrence; (iii) employer's liability insurance, the limits of which shall not be less than \$1,000,000; (iv) workers' compensation insurance as prescribed by applicable law; and (v) umbrella/excess coverage in the amount of \$4,000,000 per occurrence. With respect to the coverage described in (i), (ii), and (v) above, Staples shall (a) name Buyer as an additional insured for loss or damage arising out of Staples' products or services under these T&Cs; (b) name Buyer's landlord or property manager as an additional insured when deliveries or services are to be made or performed by Staples at any Buyer facility; (c) waive insurer's subrogation rights against Buyer and Buyer's landlord or property manager, except to the extent loss or damage is caused solely by Buyer or Buyer landlord or property manager; (d) provide primary, non-contributory coverage to additional insureds to the extent loss or damage results from products or services under these T&Cs; and (e) be insured with insurance companies of recognized standing rated A VIII or better by A.M. Best. Buyer and Buyer's landlord or property manager shall receive prior written notice of cancellation in accordance with the policy provisions.

22) Governing Law. The provisions of these T&Cs shall be construed in accordance with the laws of the State of New York excluding its conflicts of law provisions.

23) TERMS AND CONDITIONS OF AGREEMENT. These terms and conditions, in addition to any quote, contain the entire agreement between the parties with respect to the subject matter hereof. All modifications must be in writing, signed by authorized agents of both parties. These T&Cs shall control over any terms and conditions presented in either party's order forms or other documents which conflict with these T&Cs. If there are any additional terms and conditions contained in Buyer's ordering documents that add to or conflict with these terms and conditions, except for product description, pricing, quantity, and delivery instructions, such terms and conditions are expressly objected to and shall not be binding on Staples.

COUNTY AGENDA REQUEST

Page 340 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Bid #2450-B, Annual Asphalt Contract to C.W. Matthews, Inc. in the not-to-exceed amount of \$342,007.82.

Background/History/Details:

This contract is used to identify vendors for the procurement of various asphalt mixes during the FY2025 paving season.

Projects includes County wide asphalt patching roadway repairs, EMD (Environmental Management Department) CIP (Capital Improvement Program) pipe projects, and CIP Park and Recreation projects.

A not-to-exceed contract of \$342,007.82.

If approved, this contract will expire on June 30, 2025.

What action are you seeking from the Board of Commissioners?

Approval of Bid #2450-B, Annual Asphalt Contract to C.W. Matthews, Inc. in the not-to-exceed amount of \$342,007.82.

If this item requires funding, please describe:

There is funding available in the Road Department's M&O (10040220-511171) and various CIP accounts.

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 *TB*
From: Sherry White *SW*
Date: September 26, 2024
Subject: Contract #2450-B Annual Asphalt Contract

The Purchasing Department issued Invitation to Bid #2450-B to secure a contractor for asphaltic concrete. Notice of the opportunity was emailed to 25 companies. Another 212 companies were contacted through the web-based Georgia Procurement Registry. The offer was also advertised through Georgia Local Government Access Marketplace and posted to the county website.

The Purchasing Department calculated an average weighted bid price based on the various projects for FY2025 to determine the bid with the best value for Fayette County. We also took into consideration the location of the asphalt plants, since we will be providing hauling service. The amount requested for award is the amount budgeted for asphalt. This contract is priced per ton with an indefinite quantity.

Three companies submitted bids. The attachment shows the average weighted bid price per company (Attachment 1).

The Road Department recommends CW Matthews. A Contractor Performance Evaluation is attached (Attachment 2).

Specifics of the proposed contract are as follows:

Contract Name	#2450-B Annual Asphalt Contract
Contractor	CW Matthews, Inc.
Contract Amount	\$342,007.82
Budget:	Multiple Departments

Department Budget Breakdown

	Contract Amount	Available Amt.	Org – Object - Project
ROAD DEPT			
M&O FY2025 BUDGET	\$313,815.80	\$365,131.86	10040220-531171
EMD			
Bridger Point Pipe	\$3,899.00	\$339,660.62	37540250-541210-194AA
PARKS & REC			
East Fayette Gym	\$3,617.00	\$32,587.50	37260110 541210 256AI
B&G Path Realignment	\$2,222.72	\$5,762.50	37260110 541210 256AK
Storage Yard Path	\$11,449.70	\$32,730.00	37260110 541210 246AG
Football Path	\$5,556.80	\$14,129.00	37260110 541210 256AJ
Brooks Pipe	\$1,446.80	\$16,247.80	37260110 541210 246AH
TOTAL	\$342,007.82	\$806,249.28	

Invitation to Bid 2450-B Annual Asphalt Contract
TALLY SHEET
Friday, August 23, 2024

	ER Snell	JT Asphalt, LLC	CW Matthews
Asphalt pickup location	247 Peggy Lane Tyrone, GA 30290	1139 Fleetwood Drive Atlanta, GA 30316	218 B Rockwood Drive Tyrone, GA 30290
4.75 mm	\$785.22	\$719.51	\$750.00
9.5 mm Type I	\$7,418.44	\$7,448.90	\$7,322.44
9.5 mm Type II	\$133,545.79	\$133,871.50	\$129,606.64
12.5 mm	\$97,396.15	\$96,440.71	\$94,146.48
19 mm	\$91,302.16	\$89,258.30	\$91,437.70
25-mm	\$11,490.11	\$11,901.11	\$11,673.02
12.5MM OPEN	\$7,656.53	\$8,308.39	\$7,071.54
Total Weighted Bid	\$349,594.39	\$347,948.41	\$342,007.82

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: CW Matthews Contracting Co. Inc	Contract Number: 2335-B
Mailing Address: 1600 Kenview Drive	Contract Description or Title: FY24 RESURFACING PROJECT
City, St, Zip Code: Marietta, GA 30060	Contract Term (Dates) From: 12/14/2023 To: 6/30/2024
Phone Number: 770-422-7520	Task Order Number:
Cell Number:	Other Reference: 2450-B Annual Asphalt Contract
E-Mail Address: mikek@cwmatthews.com	

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>Bradley Klingner</i>	Date of Evaluation: 9/17/24
Print Name: <i>Bradley Klingner</i>	Department/Division: ROAD
Title: Asst. Director	Telephone No: 6039

COUNTY AGENDA REQUEST

Page 345 of 358

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Bid #2455-B to the lowest responsive, responsible bidder, Piedmont Paving, Inc, in the amount of \$3,887,451.28 for construction of a multi-use tunnel, retaining walls, and multi-use paths near the intersection of Robinson and Redwine Roads (2017 SPLOST project 17TAI).

Background/History/Details:

On June 27, 2019, Fayette County and Peachtree City entered into an intergovernmental agreement (IGA) for the construction and maintenance of multi-use paths. One County requirement of the IGA was to design and construct a path along a portion of Robinson and Redwine Roads and a tunnel under Redwine Road.

The purpose of this project is to provide a permanent and safe route for pedestrians, bicyclists, and golf cart operators to cross Redwine Road and access the Starrs Mill School Complex. The scope of this project includes construction of multi-use path along the east side of Redwine Road, a tunnel under Redwine Road (immediately south of the Robinson Road intersection), retaining walls on both sides of Redwine Road, and 1,500 feet of new path on the west side of Redwine Road and Robinson Road to connect with existing Peachtree City paths.

The project is fully funded with 2017 SPLOST dollars.

What action are you seeking from the Board of Commissioners?

Approval to award Bid #2455-B to the lowest responsive, responsible bidder, Piedmont Paving, Inc, in the amount of \$3,887,451.28 for construction of a multi-use tunnel, retaining walls, and multi-use paths near the intersection of Robinson and Redwine Roads (2017 SPLOST project 17TAI).

If this item requires funding, please describe:

Available funding in 2017 SPLOST Starrs Mill School Tunnel project (17TAI) is \$4,430,136.31.

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 *TB*

From: Sherry White *SW*

Date: September 26, 2024

Subject: Contract #2455-B Starrs Mill School Tunnel Construction

The Public Works Department and Peachtree City entered into an intergovernmental agreement (IGA) for the construction and maintenance of multi-use paths. One of the IGA requirements was to design and construct a tunnel under Redwine Road.

The Purchasing Department issued Invitation to Bid #2455-B to secure a general contractor for the project. Notice of the opportunity was emailed to 13 companies. Another 129 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91355 (Construction, Tunnel). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, and the Fayette County Website.

Four (4) companies submitted bids (Attachment 1). Public Works recommends awarding to the low bidder, Piedmont Paving, Inc., for the not-to-exceed sum of \$3,887,451.28. A Contractor Performance Evaluation is attached (Attachment 2).

Specifics of the proposed contract are as follows:

Contract Name	#2455-B Starrs Mill School Tunnel Construction		
Contractor	Piedmont Paving, Inc.		
NTE Amount	\$3,887,451.28		
Budget			
Fund	322	2017SPLOST	
Org	40220	Road SPLOST	
Object	541210	Other Improvements	
Project	17TAI	Starr's Mill School	
Budget	\$4,430,623.81 as of 9/18/2024		

ITB #2455-B Starrs Mill School Tunnel Construction
TALLY SHEET
Thursday, September 5, 2024

Company Name	Base Bid
McLeRoy Inc.	\$4,567,683.64
North Georgia Concrete, Inc.	\$4,347,000.00
Summit Construction & Development LLC	\$4,083,667.74
Piedmont Paving, Inc.	\$3,887,451.28

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: Piedmont Paving, Inc	Contract Number: #2050-B
Mailing Address: 1226 Highway 16 East	Contract Description or Title: LMIG Resurfacing
City, St, Zip Code: Newnan, GA 30263	Contract Term (Dates) From: April 1 st , 2022 To: June 30 th , 2022
Phone Number:	Task Order Number:
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.

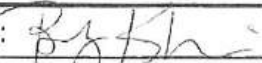
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

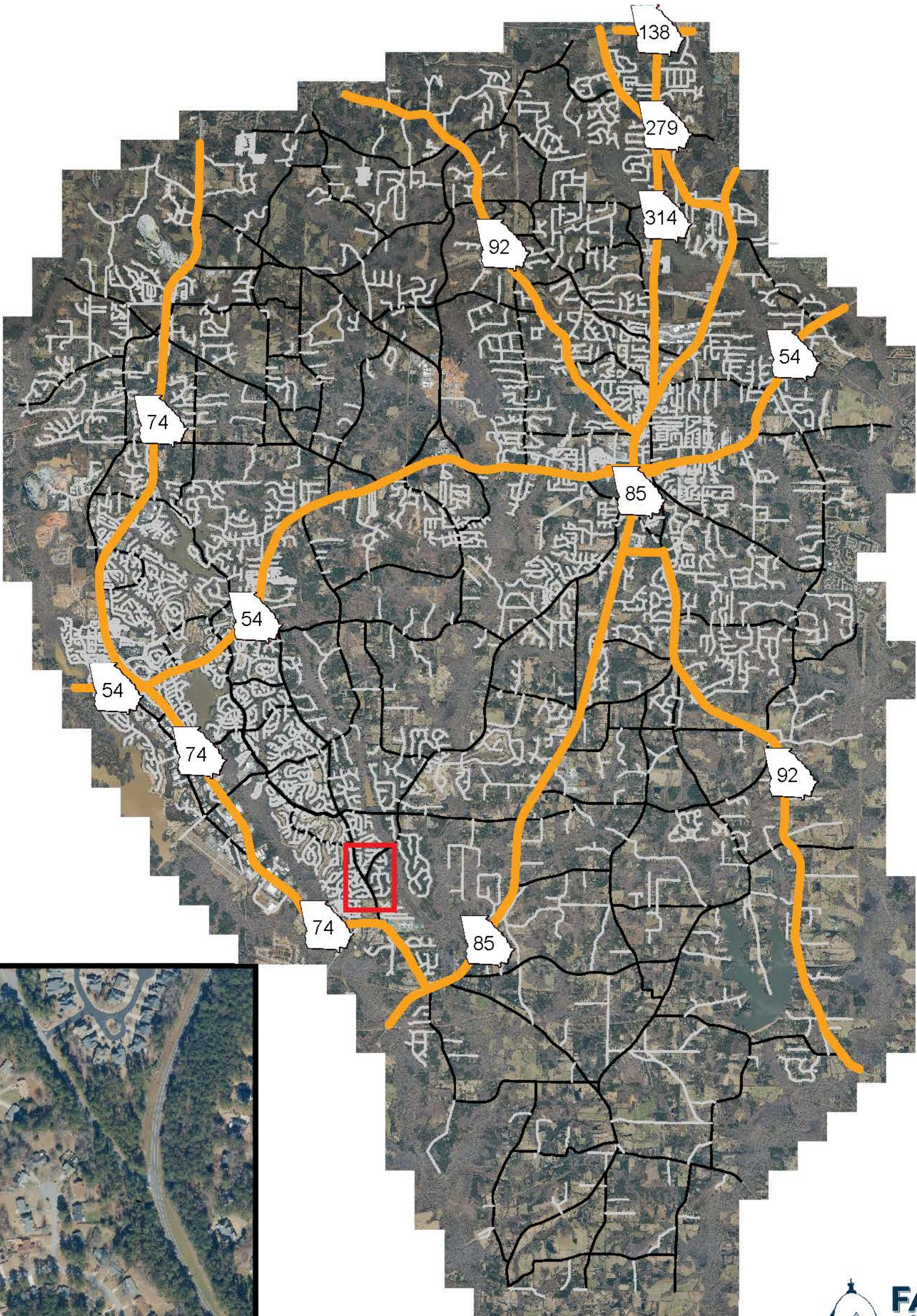
UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

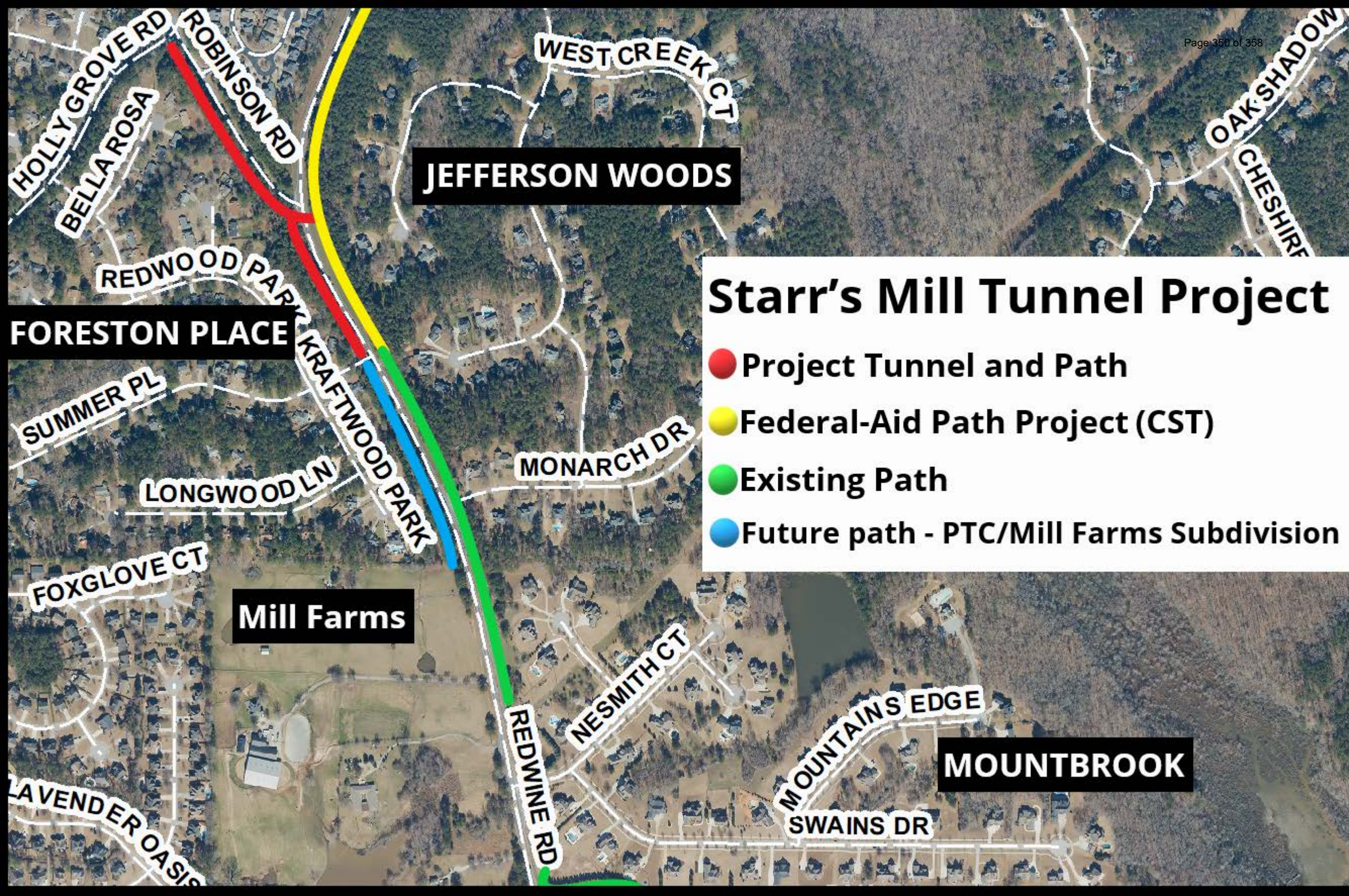
EVALUATIONS (Place "X" in appropriate box for each criterion.)

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):					
11. Overall evaluation of contractor performance		X			

EVALUATED BY

Signature: 	Date of Evaluation: 10-5-23
Print Name: Bradley Klingler	Department/Division: Road
Title: Assistant Director	Telephone No: 6039





JEFFERSON WOODS

Starr's Mill Tunnel Project

- Project Tunnel and Path
- Federal-Aid Path Project (CST)
- Existing Path
- Future path - PTC/Mill Farms Subdivision

FORESTON PLACE

Mill Farms

MOUNTBROOK

COUNTY OF FAYETTE

STATE OF GEORGIA

COPY

INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION

AND MAINTENANCE OF MULTI-USE PATH PROJECTS

THIS AGREEMENT entered this 27th day of June, 2019, by and between Peachtree City, Georgia (the "CITY"), a municipal corporation of the State of Georgia, acting by and through its Mayor and Council, and Fayette County, Georgia (the "COUNTY"), a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, for the purpose of the CITY and the COUNTY to set out those terms and conditions which will guide them in their ongoing construction and maintenance responsibilities for multi-use paths located in the CITY and the COUNTY (the Construction and Maintenance IGA).

WITNESSETH:

WHEREAS, the Mayor and Council is the duly organized governing authority for the CITY possessing all requisite authority to enter into the Construction and Maintenance IGA; and

WHEREAS, the Board of Commissioners is the duly organized governing authority for the COUNTY possessing all requisite authority to enter into the Construction and Maintenance IGA; and

WHEREAS, the Georgia Constitution, Article IX, Section 2, Paragraph 3, except as otherwise provided by law, prohibits cities and counties from exercising governmental authority within each other's boundaries except by Intergovernmental Agreement; and

WHEREAS, the CITY has been developed around a network of multi-use paths that are used by pedestrians, bicyclists and operators of golf carts; and

WHEREAS, these multi-use paths are used by residents of the CITY and the unincorporated COUNTY as an alternative to the automobile, as well as for exercise and recreation; and

WHEREAS, the communities around the Starr's Mill School Complex have been developed with a focus on access to and from the schools and there is a history of cooperation between the COUNTY, the Board of Education and developers to expand and enhance the multi-use path network; and

WHEREAS, a growing county population increases the desire and need for a multi-use path network that provides safe and appropriate infrastructure, and increases the challenges for local governments to design, construct and maintain said infrastructure; and

WHEREAS, funding opportunities, with the development community, State and Federal grant programs, non-profit groups, etc., are more successfully obtained with cooperation among local governments and agencies; and

WHEREAS, the CITY and the COUNTY desire to enter into the Construction and Maintenance IGA for the purpose of ensuring that appropriate multi-use paths in the CITY and the COUNTY are constructed and adequately maintained over time.

NOW, THEREFORE, for and in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the CITY and the COUNTY, the CITY and COUNTY hereby agree as follows:

1.

The COUNTY assumes ownership and maintenance responsibilities of all multi-use path infrastructure located within the COUNTY right-of-way, including Segment F as depicted on the attached map labeled as Exhibit "A," with said Exhibit "A" being incorporated into this

Construction and Maintenance IGA by this reference hereto. This path segment was constructed, and it has been maintained by the CITY in accordance with the July 23, 1998 IGA between the CITY and the COUNTY. It is the intent of the parties for this Construction and Maintenance IGA to supersede that certain agreement between Fayette County and Peachtree City dated July 23, 1998 concerning that section of multi-use path east of Redwine Road immediately north of the Starr's Mill School Complex.

2.

As of January 2019, there are two multi-use path projects currently in design:

- Federal-Aid Path Project PI 012624 – Segments A, E1 and E2; and
- SPLOST Project 17TAI – Segments G1 (path) and G2 (tunnel).

The estimated cost for these projects, including design, permitting, land acquisition and construction, is approximately \$3,000,000.00. The COUNTY shall pay for all design, permitting, land acquisition, project management and construction costs for SPLOST Project 17TAI-Segments G1 and G2. The plans and specifications for all work proposed within the City limits shall be provided to the City, or their designated consulting engineers, for review and approval prior to the start of construction. The CITY shall provide limited use (between 8' and 14' of width depending on obstructions, trees, etc.) of existing City Greenspace (when alternate locations are not available), as well as use of existing easements and right-of-way to facilitate project construction of section G1 and G2. Upon completion of the project, maintenance and repair costs for SPLOST Project 17TAI-Segment G1 (path) will be the responsibility of the CITY. Upon completion of the project, future maintenance and repair costs for SPLOST Project 17TAI - Segment G2 (tunnel) located at the City/County Border shall be split 50/50 between the CITY and the COUNTY until such time as the property containing SPLOST Project 17TAI – Segment G2 (tunnel) is annexed by the City. The City shall assume all maintenance and repair

costs for SPLOST Project I7TAI - Segment G2 (tunnel) from the effective date of the annexation forward, should said annexation occur. While the maintenance and repair work are the responsibility of both the City and the County, all maintenance and repair work will be scoped in writing, with a not-to-exceed cost estimate and agreed to by the CITY Manager and the COUNTY Administrator prior to commencing. Minor maintenance or repair work (such as cleaning graffiti or repairing damaged guardrail) that is entirely within one jurisdiction shall be the sole responsibility of that local government unless agreed to otherwise by the CITY and the COUNTY. For the Federal-Aid path project (PI 01264), all costs beyond those covered by Federal Aid shall be paid by the COUNTY. The CITY shall provide limited use (between 8' and 14' of width depending on obstructions, trees, etc.) of existing City Greenspace, as well as use of existing easements, and right-of-way to facilitate project construction and future use, where applicable. Maintenance and repair costs for Federal Aid Path Project PI 01264 Segments A and E2 shall be the responsibility of the COUNTY. To the extent that the City's design standards require the project to encroach more than 14' into the City Greenspace the City shall elect one of the following:

- a. The City shall provide a written exception to the County recognizing and allowing the necessary encroachment due to the City's design standards; or
- b. The City shall revise its design standards in such a manner that no encroachment into the City's Greenspace of more than 14' will be necessary.

If the City elects to provide the written exceptions, said written exceptions will be provided to the County within five (5) business days of the County's request therefor. If the City elects to revise its design standards the County will be required to change the plans and receive additional approval from the Georgia Department of Transportation. Maintenance and repair costs for Federal Aid Path Project PI 01264 Segment E1 shall be the responsibility of the CITY. Upon completion of either or both projects, future ownership and maintenance of the

infrastructure shall be governed by the conditions established within this Construction and Maintenance IGA.

3.

The term of this Construction and Maintenance IGA shall be for twelve (12) months, from June 27, 2019 and concluding on June 27, 2020. This Construction and Maintenance IGA shall automatically renew for a twelve (12) month term, beginning on the anniversary date of the agreement, so long as the CITY nor the COUNTY take action to terminate this Construction and Maintenance IGA. Additional renewal terms of twelve (12) months each shall automatically begin so long as neither party terminates this Construction and Maintenance IGA. Should either the CITY or the COUNTY desire to terminate this Construction and Maintenance IGA the terminating party must provide 90-days written notice to the other party prior to the end of the then-current term.

4.

This Construction and Maintenance IGA may be modified at any time by mutual written consent of both parties.

5.

All required notices shall be given first class mail, except that any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the CITY: Mr. Jonathan Rorie, City Manager
151 Willowbend Road
Peachtree City, Georgia 30269

If to the COUNTY: Mr. Steve Rapson, County Administrator
104 Stonewall Avenue West, Suite 100
Fayetteville, Georgia 30214

6.

This Construction and Maintenance IGA is a full and complete statement of the

agreement between the CITY and the COUNTY as to the subject matter hereof and has been authorized by proper action of the respective parties.

7.

Should any provision of this Construction and Maintenance IGA or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Construction and Maintenance IGA or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Construction and Maintenance IGA shall be valid and enforceable to the full extent permitted by law.

8.

This Construction and Maintenance IGA shall be governed by and construed in accordance with the laws of the State of Georgia.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the CITY and the COUNTY have caused this Construction and Maintenance IGA to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

(SEAL)



ATTEST:

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: 
RANDY C. OGONIO, Chairman


Tameca P. White, County Clerk

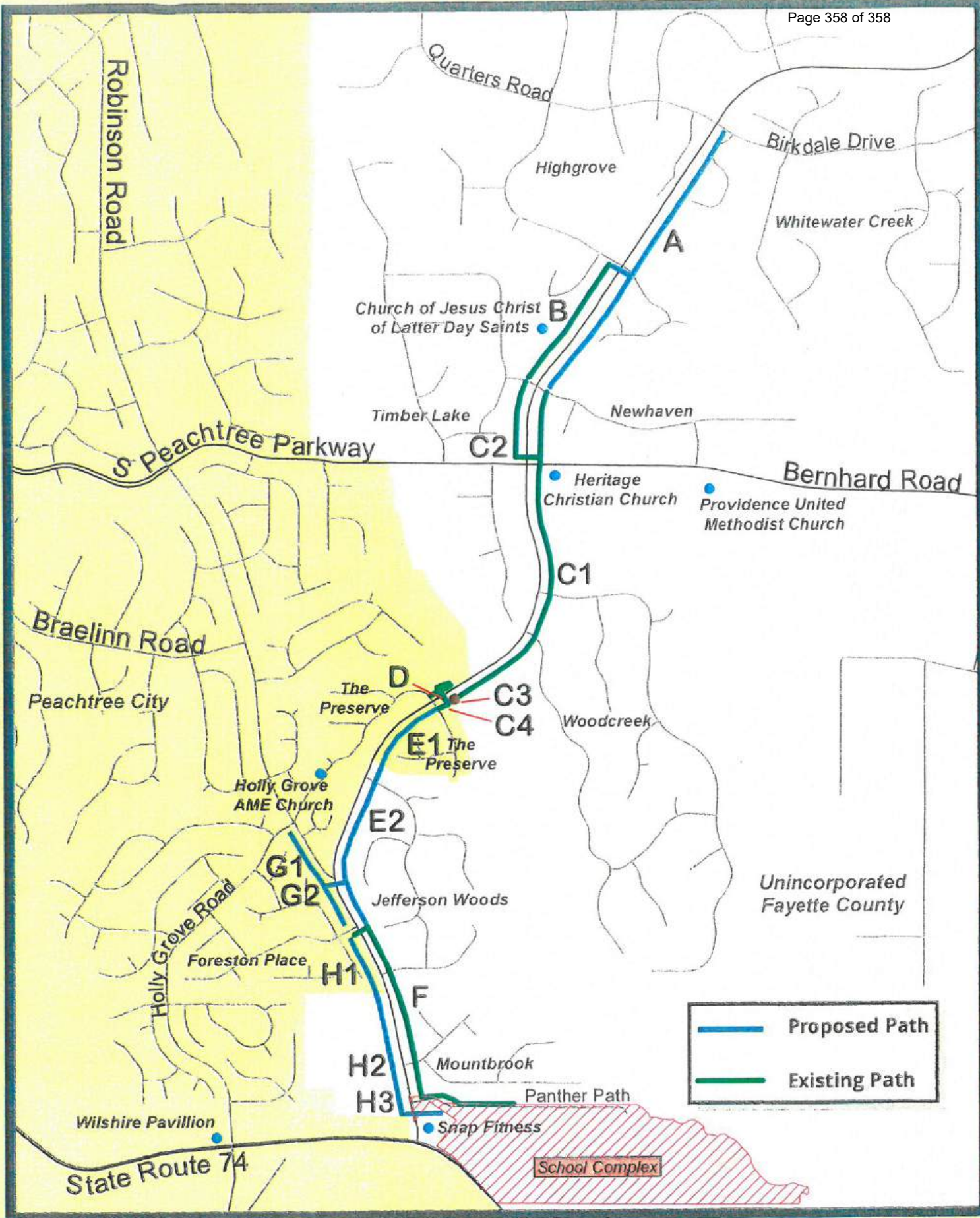
MAYOR AND COUNCIL FOR THE
CITY OF PEACHTREE CITY, GEORGIA

(SEAL)

By: 
VANESSA FLEISCH, Mayor

ATTEST:


~~Betsy Tyler, City Clerk~~
Pamela Dufresne, Deputy City Clerk



April 22, 2019

Redwine Road
Cart Paths

Exhibit A

