

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

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

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
January 04, 2024
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on December 7, 2023.
5. Election of the Chairman.
6. Election of the Vice-Chairman.
7. Election of the Secretary.

PUBLIC HEARING

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.
9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures.

Meeting Minutes 12/7/23

THE FAYETTE COUNTY PLANNING COMMISSION met on December 7, 2023, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

MEMBERS ABSENT: Arnold Martin

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
The agenda was amended to move item number 9 to item 5. Danny England made a motion to approve the agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold L. Martin was absent.
4. Consideration of the Minutes of the meeting held on November 2, 2023.
Danny England made a motion to approve the minutes from the November 2, 2023, meeting. John Kruzan seconded the motion. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-169- Conditional use approval. 2) Conditional uses allowed. Bb. Horse show, rodeo, carnival, and/or community fair.

Deborah Bell introduced the first consideration of amendments 110-169. In the packet, there are redline amendments and one change was made after meeting with staff and the event coordinator. The event coordinator had many good suggestions. Highlighted in blue is one change concerning production and entertainment lighting to not be permitted after 10 p.m., but that restriction does not apply to safety and security lighting. If an event has ended at 10

PC Meeting

p.m. and people are leaving, you would want lights on to help escort the people out of the event safely. The other items were all a result of the work sessions we have had with the Planning Commission, the public, staff, and the Board of Commissioners.

Jim Oliver asked how public input was incorporated.

Deborah Bell stated there was a lot of good public input. Staff wanted to try and assist those concerned about Mr. Ross's car show, but at the same time, didn't want to penalize smaller events. This ordinance is written with some latitude for staff to make decisions about what is required for a specific event. Staff can look at the size and scope of the event, so it doesn't drastically impact some of the smaller events. This is to be presented to the Board of Commissioners at the January 25, 2024 meeting.

Rick Minter, CEO of Inman Farm Heritage Days, a 501-C3 corporation that hosts events celebrating the agricultural heritage of our community. Mr. Minter thanked staff and the Board of Commissioners, specifically Mrs. Bell. At one point, events went from fourteen (14) days to one (1) day, but now there are twelve (12) days. Inman Heritage Days had input in the rules and could work with the proposed revisions. They have hosted this event for twenty-six (26) years, and the goal is to work with people to make as little impact on our neighbors as possible. He requested to be kept in mind when rules are being made and would like to see more community support.

Bobby Ferrell from Old Ford Road, President of the North Fayette Community Association thanked Ms. Bell for her communication. The North Fayette Community Association has been allowed to offer input and there has been great communication. Mr. Ferrell didn't see anything referencing how many days prior to an event a schematic was required to be submitted. He is concerned applications will be submitted without ample time to review. He asked if the event didn't meet the requirements of the County Noise Control Ordinance, would it be denied. He would like to see penalties itemized in the ordinance and/or the ability of enforcement to shut down the event. He also requested a hard shut down time.

Deborah Bell said the Marshal's Office usually investigates and if a violation is found, the Marshal's would be the ones to issue citations. Citations are heard by State Court. The maximum fine is \$1,000, but that is the discretion of the judge.

Danny England said this is just the zoning portion. There is the application itself that governs the questions that Mr. Ferrell is asking.

Ms. Bell stated the application is just a form developed by the administration and used internally. It wouldn't create a cut-off time if there is not one within the ordinance. A cut-off time would need to be specified. The deadline for submittal would be an internal procedure and not something codified in the ordinance.

Danny England confirmed these are the only rules applicable to the special event.

Ms. Bell stated the Conditional Use Permit does not require a separate public hearing. The applicant must meet all criteria. All Fayette County Conditional Uses are designed that way. For a larger event, it would require staff review of the site plan. There are multiple departments reviewing the schematic site plan: Sheriff's Department, Marshal's Office, Fire Marshal, Department of Building Safety, Environmental Health, Environmental Management, and Planning & Zoning. All departments are involved in the approval process for a Conditional Use Permit for an event.

Danny England asked if the Noise Ordinance is an existing ordinance outside of the Conditional Use Permit.

Ms. Bell stated it was.

Danny England requested a "lights-out" time be specified in the ordinance.

Jim Oliver requested a deadline for submittal, such as ten (10) days prior to the event be added. He asked the County Attorney if there was existing regulation specifying required review periods.

Mr. Ferrell stated there should be a hard 30 to 60 days before the event for the review, penalties, and noise controls. He would like to have harder deadlines

Danny England inquired as to why no single event should exceed three days in duration and then another line states no event shall be more than 5 days consecutive days in duration.

Ms. Bell stated through discussions with County Attorney Dennis Davenport, it is a maximum of 3 calendar days per calendar quarter, but a possible maximum of 5 if someone timed it right.

Danny England made a motion to approve the amendment to Sec. 110-169 of the Zoning Ordinance. John Kruzan seconded the motion. The motion passed 4-0.

6. Consideration of Petition No. 1335-23A, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 22.9674 acres from R-70 to A-R. The property is located in Land Lots 224 & 225 of the 5th District and fronts on Veterans Parkway.

Debbie Bell explained agenda items 6 through 9 are a single project, but because it is 4 different parcels, it will be 4 separate hearings. Per Ordinance 110-297, if a full Board is not present at the public hearing, the petitioner may elect to table the petition to the next Planning Commission Public Hearing provided the petitioner requests this prior to the presentation and asked if the petitioner would like to table or continue with the hearing.

Petitioner, Niki Vanderslice, wished to proceed.

PC Meeting

Ms. Vanderslice is the CEO of the Fayette County Development Authority and is the applicant on behalf of the owner/developer. Governor Kemp announced today the U.S. Soccer Federation has selected Fayette County as the location of the national training center and corporate headquarters. This site search has been underway for nearly two years and Fayette County was identified this summer as a potential site.

The Fayette County Development Authority serves as a gatekeeper for the community, making sure companies are a good fit for our community. U.S. Soccer is a great fit! With over 6,000 active kids and adults participating in soccer in Fayette County, it is an obvious choice. Today's announcement by Governor Kemp unlocks the next phase of this project. The conceptual images will come to life over the next weeks and months to bring the training center and headquarters to this site. The Development Authority requests rezoning from R-70 to A-R which staff analysis indicates is a less intensive use. Current zoning allows one house per 2 acres which could result in 150 new homes.

Stephen Porter, CEO of Piedmont Fayette Hospital, on behalf of the hospital, their complete support for the project. As the largest health provider in the community, Piedmont Fayette supports wellness in the community and these fields support health and engagement in the community through exercise. Relocation of the US Soccer Federation will also support development of a sports medicine program and attract the next generation of the workforce. It will allow Piedmont Fayette Hospital to be a destination site. Currently, the hospital is down 100 nurses. This would be a great tool to attract a workforce.

Bryce Remkes states he is a regular soccer dad. This is an opportunity for U.S. Soccer to bring a non-profit philanthropic giant umbrella organization into our community which will in turn support local initiatives and community projects. Just to highlight, since 2008, the U.S.S.F. has given over \$4.2 million dollars to help talented kids who might not otherwise have access to a club soccer program. Here in Fayette County, we have two fantastic club soccer programs, AFC and MOBA, both winning respective National and State Championships.

Secondly, the Coach for Community Initiative provides free coaching education for anyone who wants to learn about becoming a coach. This is a great addition to our local County recreation programs.

Lastly, since its inception, the U.S.S.F. has awarded over \$57 million dollars of financial support to soccer organizations for new fields and facilities. Fayette County could sure benefit from some of this financial support.

Bryan McDermott is from Fayetteville, President of Fayette County Youth Soccer, and a board member for AFC Lightening. He felt the zoning change for U.S. Soccer to build their training center will benefit our community in many ways. This is a long-term project to serve many generations to come. Soccer is familiar to many people, and is played by many diverse people and cultures, but this project will also introduce us to the aspects of soccer that we may be unfamiliar with. The proposed complex will introduce us to power soccer and

PC Meeting

handicapped soccer. The complex will also have public areas for pick-up games. He looks forward to taking the kids that he coaches to watch the National players train.

U.S. Soccer can also help us show the leaders in the sport what is being done at the base level. This will help improve and train our player base. Inspiration comes in many forms, in 1999, Mr. McDermott was an assistant coach and hosted several kids from one of the teams to watch the Women's World Cup Final. One of those kids was Kelley O'Hara, a U.S. National Team veteran. You can never tell where inspiration may come from. The CEO of U.S. Soccer, JT Batson used to referee games here and plans to get out and referee games. He lists several influential names in soccer and quotes from the movie, Field of Dreams....if we build it, they will come. Let them come and they'll build it.

Steve Weeman moved to Fayette County in 1976. In 1978, Fayette County started soccer with five (5) teams and fifty (50) players. Now, there are 6,000 kids playing soccer in Fayette County. That is more than any other organized sport. There have been numerous successful soccer champions come from Fayette County. Having this facility can only help our kids, exposing them to the highest level of soccer there is. This is an obvious step for us, and he is all for it.

Russ Keefer of Fayetteville is a former player, a lifelong fan, and now a volunteer coach at AFC Lightening. He also spoke on behalf of his son, Brooks. Brooks grew up with a soccer ball at his foot and is a player with AFC Lightening. He has had opportunities to play with top players, against top competition, at some top facilities outside of Fayetteville as well. Brooks is lucky he has parents who can take him outside of Fayetteville and all around the country. There are thousands of kids that simply don't have that opportunity. A facility like this will give them access that many kids don't currently have. It is important to learn all the lessons that go with learning soccer. U.S. Soccer is well on its way to becoming a world soccer power. Now, the biggest and most successful clubs in the world are looking for the next international talent. One of the greatest players in U.S. Soccer history, Kelley O'Hara, has her roots in Fayette County. She won an Olympic Medal and 2 World Cups. If we have this facility built, it will ensure that every future U.S. World Champion will have their story linked to Fayette County.

Nick Ubom lives in Fayette County and is a local business owner. He graduated from Starr's Mill High School. He believes soccer will be great for the future development of Fayette County, it is good for kids and helps to keep them out of trouble. It is an awesome thing for our community.

Matt McBride from Peachtree City came to express his support. He graduated from McIntosh High School and played soccer there as well. He moved away following graduation, but came back to raise his family here. He also brought his 11-year-old soccer-playing kid to the meeting. Mr. McBride's son plans for AFC lightening and Mr. McBride is a proud soccer dad. He encourages the board to focus on the international recognition this project will bring to Fayette County. There are world-class companies that have come to Fayette County. And Fayette County has done a great job of creating a business-friendly environment. We are

PC Meeting

about to enter a golden period of soccer hosting here. The COPA America was selected to be hosted in Atlanta. We are going to have millions of eyeballs in the metro Atlanta region. Just by virtue of having the U.S. Soccer headquarters facility, we are going to have leaders from around the world come. Then they will recognize what we all recognize. We have an amazing quality of life, amazing facilities. This will bring the leaders and the leaders will bring the modern industries of the future. That will be a boom for our community.

Steven Smith grew up playing soccer in Fayette County. He knows a lot of people will step up and speak about past, present, and future. Mr. Smith was known as the kid who would get kicked off the fields at McCurry Park. Soccer has played such an instrumental part in his life, from playing at the club level to being a walk-on. Even though Fayette Football Club (FFC) is no longer around, it gave him the drive and the resiliency to face the challenges in his life. Ms. Smith does not have a World Cup, but is the only player in his youth club to play against Atlanta United. The inspiration came from the game of soccer. Kids learn resiliency and when they play sports, they learn a lot of things that resemble real life. Soccer is one of the best tools to do that.

Mr. Smith told a story of a former player he coached on his rec team. The player was very sick and had to be airlifted for medical treatment. He didn't know what to think, but was proud to say he made it through. Mr. Smith spoke with another player at Atlanta United about the power of giving back to the community. Fayette County has the power to do that through this project.

“Without this investment, you don't have someone like me coming back. I shouldn't be here right now, and I work for a professional soccer team. Soccer gave me that strength. I was fortunate to get a signed jersey from Atlanta United that I could give my former player. I was able to give it to him. Now, he has an inspiration to engage. That is your next generation of business leaders and teachers.”

Mr. Smith said wherever he travels with Atlanta United, people ask where he played soccer. He says “Fayette County.” These are the people who make decisions about some of your favorite players.

Jim Oliver opened the floor to those wishing to speak in opposition to the petition.

John Fonzo resides on Lees Mill Road. He is not in opposition, but doesn't have a category to fit into. He is very impressed and comfortable with what he has heard this evening, but would like the Board to consider opinions of the adjoining landowners. 258 Lees Mill Road is part of 6 properties in Fayette Green subdivision. It was part and parcel of the 33-acre piece which is identified as C on the petition. It is the northernmost section of Lees Mill Road. The entire Southerly border of our subdivision borders the northernmost section of C in the petition. The planning staff noted in the application that it was inconsistent with the comprehensive plan. He asks the County do all it can to ensure compatibility with this use with the adjoining residential properties, because it is currently residential. If rezoning didn't take place, there could be as many as 100 homes on these parcels. Quite frankly, that wouldn't be as attractive as the facility. He hopes the developers will be sensitive to noise

PC Meeting

and when the location of the single curb cut for Lees Mill Road is selected, he hopes it will be on the property of petition, and not the other properties on Lees Mill Road. The required traffic impact study should include Lees Mil Rd. Mr. Fonzo is just a concerned adjoining resident asking that property owner's interests be protected when the final development process is finalized.

Jim Oliver asked Debbie Bell to enumerate the conditions in staff's recommendations to possibly address citizen concerns.

RECOMMENDED CONDITIONS

1. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
2. The project's primary construction entrance/exit shall be located on Veterans Parkway. There shall be no project-related construction traffic on Lees Mill Road between Sandy Creek Road and Veterans Parkway. A secondary construction entrance, however, may be approved by Public Works if necessary for the construction of stream crossings and related grading work. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway).
3. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.
4. The project shall have a maximum of one curb cut onto Lees Mill Road.
5. Development plans shall utilize the Whitewater Creek watershed protection buffers Sec. 104-182 Minimum watershed protection requirements, Article VII Watershed Protection.
6. All parcel remnants of parcels 0707 011 and 0708 042 located on the east side of Veterans Parkway shall be combined with Parcel 0542 005 within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
7. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
8. Any development needing water along Veteran's will be required to install a 16-in line beginning at the tie-in at Lee's Mill/Veterans and South along Veterans.

PC Meeting

Robert J. Burcher, Jr. residing at 244 Lees Mill Road stated he basically agrees with Mr. Fonzo He does feel that it would be a great item for our County and simply requests some consideration of the adjacent property owners as it pertains to noise, buffers, or sound. He is simply concerned

Michelle Iverson at 658 Lees Mill Road is not adjacent and is further down the road towards Sandy Creek. She is a mom, sports fan, and sports mom. She loves the idea of this in the community. She wanted to know if the county required a site plan prior to the rezoning hearing.

Debbie Bell stated no.

“That is a big project not to require a site plan for,” said Ms. Iverson laughing. For the conditional use approval for Article 5, 110-169, paragraph mm, I believe that is the one that applies to this, it states that such recreation centers owned by non-profits, and I presume that the USSF is a non-profit, shall be permitted on a lot that fronts a major thoroughfare, designated by the County Major Thoroughfare Plan and that all access shall be limited to the major thoroughfare only. Lees Mill and Veterans Parkway are classified as minor. Are they looking to make a single cut, not just for construction, but for entrance and exit purposes onto Lees Mill Road in addition to Veteran’s Parkway?”

Allison Cox, County Attorney stated, “This is just a rezoning hearing, and we are not here to look at their plans. It will be very difficult for us to speculate as to the plans as right now we are just looking to see if we are going to rezone the property in its most basic form and what the development looks like in a very broad way which is what these conditions are meant to take care of. As to specific plans, we haven’t seen them and we really shouldn’t have at this point, it’s too early.”

Iverson says, “OK when you say that there is a specific study that is going to be recommended, will it actually be required?”

Bell says, “Yes, that is one of the requirements that a traffic study be completed. And to answer your question about the road classification, there is an overall road classification, which is what is specified here. Both of those roads are considered minor arterials and they fall under the umbrella of major thoroughfare, so they do meet that criterion.

Iverson said, “Did I misunderstand you that Lees Mill Road actually meets the criteria for major arterial?”

Bell, “It’s a minor arterial, and minor arterial and major arterial meet the umbrella classification of a major thoroughfare. There are two levels of road classification.”

Iverson said, “So you are saying that Lees Mill Road actually meets that criteria and therefore would actually create that access for an mm. conditional use on Lees Mill Road.”

December 7, 2023

PC Meeting

Bell, "It meets the criteria, but I believe the conditions are restricting the primary access to the facility to a point on Veteran's Parkway."

Iverson, "Those are what my primary concerns are about, the entrance on Lees Mill Road into this facility. It certainly seems appropriate to use Veteran's Parkway. It would be a great concern for this mom that there would be an entrance and lots of traffic spilling out onto Lees Mill Road vs. onto Veteran's Parkway."

Jim Oliver, "Not opposed to the project, but worried about the traffic."

Iverson states, "Yes just the traffic and specifically the Lees Mill Road entrance, not Veteran's Parkway at all. It seems very conducive to the project. Thank you."

Sheila Demons from 175 Lucky Leaf Place, in the Yates Crossing subdivision. This at the corner of Eastin and Veteran's Parkway. Once again, she is not opposed to the facility, but very concerned about the traffic. There are already a lot of sirens going to the hospital, big trucks, and the whole neighborhood is being bombarded with traffic.

She urged the Planning Commission to look at the study of Veteran's Parkway. A study was done about a year or so ago and came in front of the Commission. The study resulted in rumble strips behind her house, generating a lot of noise. She believes her hearing has been impaired, so the idea of more traffic is eerie because we are already dealing with a lot of noise. She is not opposed to the facility but concerned with the noise and hoping there will be something to help buffer the noise, such as trees.

Christian Jendrasak at 217 Lees Mill Road had similar concerns, not really for or against the project. He graduated Fayette County High School in 1992 and is very much a supporter of soccer. He remembers the year they won a state championship and shaved off the coach's beard. He is also a business and restaurant owner in Fayette County. His primary concerns are noise and traffic. The possibility of adding another construction entrance on Lees Mill Road, and everything is going to be going towards Veteran's Parkway could disrupt the peace and quiet he currently enjoys. He requests development mitigate the noise. Since there is traffic going both directions past his home, he is concerned about noisy rumble strips.

Ms. Vanderslice stated that she is confident U.S. Soccer will be a good community partner and will protect our neighbors.

Ms. Vanderslice addressed the proposed conditions. "With regard to watershed protection, we are committed to the water quality, and I would like to ask that a watershed protection buffer of 200 feet shall be applied to Whitewater Creek. This requested condition exceeds the current exempt status of this property, doubles the state environmental planning criteria 391-3-16, and more than doubles the Georgia Erosion and Sediment Act OCGA 12-7-6."

Ms. Vanderslice also requested the ability to submit the combination plat concurrently with the site plan parcels in the interest of time and to deliver the project by the World Cup in 2026.

Page 10
December 7, 2023
PC Meeting

Mr. Oliver was concerned the paperwork was not following along with the conditions. Ms. Bell explained the revised conditions were paperclipped A,B,C, and D and read revision 2 at the bottom of the page.

Danny England, "We have those, but there is no mention of the watershed distance. That is number 5 but no mention of distance."

Ms. Bell, "That is condition 5 at the bottom. The watershed protection buffers there has quite a bit of variability, and I would like to let Bryan Keller speak to that."

Bryan Keller, Director of Environmental Management for Fayette County explained the Watershed Protection Ordinance requires buffers that range on each one of our main streams in the County. The Whitewater Creek buffer is based on 400 feet of the wretched vegetation of the stream or 100 feet from the floodplain located on the property. In this case, she is asking that we reduce that to above the state minimum for large water supply watersheds.

Mr. Oliver noted the request is to reduce the buffer by half.

Ms. Vanderslice said it is not very clear on what that number is in each location.

Danny England says it is clear to Mr. Keller.

Bryan Keller explained it varies based on the floodplain distance and could be more than 400 feet or could be less.

Danny England inquired if it depended upon survey work done in the field, additional survey work, and do we know definitively about this section of Whitewater Creek.

Mr. Keller explained he would not know definitively what the buffers would be without a survey, but has good idea.

Danny England questioned that even if a condition was determined now, the buffers could not be determined before the field work and survey are completed.

Mr. Keller stated that was correct.

Danny England asked in the Planning Commission would have to approve the combination plat.

Debbie Bell explained, there would not be future presentations to the Planning Commission for the combination plat since additional parcels were not being created.

Oliver, states "I am a little upset with the project and how it has been brought up in coming forth. When the Governor makes an announcement before it has come to the Planning Commission that the property has been purchased, and the celebratory party and band have

PC Meeting

been booked. I have a question about the position it puts us in and the Development Authority and the questions I have about what is best for the tax-paying citizens of Fayette County. Generally, when the Development Authority gets involved I am usually of the opinion that if it is a good deal, let it stand on its own. When the Development Authority gets involved it is usually to do tax abatements. Are taxes going to be paid on this property? Our County is having difficulty enough with the education system with schools on virtual lockdown, they don't have any money and they have hiring freezes. This is something we need to look at the Development Authority can answer."

Vanderslice, "Yes, sir we did not offer a tax abatement on this. Due to their nonprofit status, it was an option, they are electing to file for a tax-exempt status which is granted by the County."

"So, is this going in as the get-go as a 501-3C," asked Mr. Oliver.

"It is, well not today but when they apply for their tax-exempt status on their Ad Valorem taxes the property must be in use. So, after the project is built, they will be paying taxes before they are issued their CO."

"Paying taxes for a year?" – Oliver.

"We started the application process in October to be on tonight's calendar. If the announcement had not come out today, I would not have been able to disclose who it was. I would not have been able to say what the project was at all, and I would have just been able to ask for a rezoning to A-R with a lot of speculation. So, I understand that you are upset about the announcement, but it is what makes it so that myself and the others are able to speak of this project to our community."

Oliver states, "Of course we are the recommending body only and it is going to come up before the Board of Commissioners as well, but it does appear that the cart has been put before the horse. That it is all been said and done before we have even had the zoning hearing."

Vanderslice, "It is not all said and done, and you have a voice this evening. I would appreciate it if we could have your support for the project. But as I said, it is the chicken or the egg. I am either not able to tell you anything at all, or I am able to disclose what the use is. I apologize, but I am also the one who asked them to make the announcement so that I could speak and be transparent."

Mr. Oliver, "Well it is not very transparent to me!"

Vanderslice, "This was a very competitive project. We were competing with another state and another site in the state of Georgia. We came into the picture this summer and worked very hard to bring to our community, to our students, families, and soccer players so we could grow them here and there would be an opportunity for them to remain here in Fayette County. We are one of the oldest counties in metro Atlanta. We need to do something that is

PC Meeting

going to bring in some 20-somethings or we are going to be in real trouble in the next 20 years.”

Oliver, “Citizens have an opportunity to express their grievances. Now, I don’t see a lot of opposition, but we have a few. In this country we have a right to express our grievances, and when it appears that it is already a done deal, that causes me some concern. I haven’t heard anybody address that and what are you doing to address that? We need to address issues before we decide.”

Vanderslice, “Quite honestly if there were so many people opposed to the project, you should recommend that it doesn’t pass, but I don’t believe that is what you have heard this evening. I believe you have heard the benefits of this project and people have had an opportunity to be heard. It is not a done deal. You do have an opportunity to send to the Board of Commissioners not recommending it and we would have to live it. We would have to say that our Planning Commission voted it down and our Board of Commissioners voted it down even though there was overwhelming support in our community.”

Debbie Bell begins the staff report and re-reads the conditions for the board.

RECOMMENDED CONDITIONS

1. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
2. The project’s primary construction entrance/exit shall be located on Veterans Parkway. There shall be no project-related construction traffic on Lees Mill Road between Sandy Creek Road and Veterans Parkway. A secondary construction entrance, however, may be approved by Public Works if necessary for the construction of stream crossings and related grading work. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway).
3. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.
4. The project shall have a maximum of one curb cut onto Lees Mill Road.
5. Development plans shall utilize the Whitewater Creek watershed protection buffers Sec. 104-182 Minimum watershed protection requirements, Article VII Watershed Protection.
6. All parcel remnants of parcels 0707 011 and 0708 042 located on the east side of Veterans Parkway shall be combined with Parcel 0542 005 within 6 months of approval of rezoning,

PC Meeting

or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

7. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

8. Any development needing water along Veteran's will be required to install a 16-in line beginning at the tie-in at Lee's Mill/Veterans and South along Veterans.

John Culbreth made a motion to approve Petition No. 1335-23A with conditions. Danny England seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

7. Consideration of Petition No. 1335-23B, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 237.4382 acres from R-70 to A-R. The property is located in Land Lots 13, 14, 18 & 19 of the 7th District and fronts on Veterans Parkway and Lees Mill Road.

Debbie Bell presents the staff report on the above-referenced 1335-23B with the following conditions in the looseleaf handout with the notation revision 2.

RECOMMENDED CONDITIONS

1. Lees Mill Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Lees Mill Road. Submittal of the warranty deed and legal descriptions shall be submitted to the Environmental Management Department prior to approval of a final plat for the properties.
2. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
3. The project's primary construction entrance/exit shall be located on Veterans Parkway. There shall be no project-related construction traffic on Lees Mill Road between Sandy Creek Road and Veterans Parkway. A secondary construction entrance, however, may be approved by Public Works if necessary for the construction of stream crossings and related grading work. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway).
4. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If

PC Meeting

two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.

5. The project shall have a maximum of one curb cut onto Lees Mill Road.
6. Development plans shall utilize the Whitewater Creek watershed protection buffers Sec. 104-182 Minimum watershed protection requirements, Article VII Watershed Protection.
7. All parcel remnants of parcels 0707 011 and 0708 042 located on the east side of Veterans Parkway shall be combined with Parcel 0542 005 on the east side of Veterans Parkway shall be combined with Parcel No. 0542 005 within 6 months of approval of the rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
8. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
9. Any development needing water along Veteran's will be required to install a 16-in line beginning at the tie-in at Lee's Mill/Veterans and South along Veterans.

Christian Jendrasak thanked Mr. Oliver for mentioning everything happened without us knowing about it. It was weird to him and his neighbors. Not only was it announced the US Soccer Federation today, but also a party at Trilith Studios on the 13th in celebration of the Soccer Federation. Citizens are concerned about the government and decisions they are making, with or without us. It seems shady. There has not been enough time for the citizens to review. The people here tonight for the project had prepared a presentation, and they didn't do all of that today. Perhaps they knew beforehand. Mr. Jendrasak admits to sounding skeptical and cynical, but says he is actually neutral. "I am not for or against it, but it smells, and I appreciate you pointing it out. And I wish to thank you for pointing it out. It just seems coincidental, odd, and underhanded."

Sonia Wignall, a resident of 283 Lees Mill Road is also concerned that a site plan was not required at this point, but some very comprehensive information must have been presented to win an opportunity to host a team like the US Soccer Federation. The team or headquarters have a plan and the city, County, and government that oversees the land has no plan. So, there is something wrong with that. Secondly, the people supporting the project do not live near the project. Ms. Wignall expressed her concern with additional noise and magnitude of development that would accompany the soccer complex. Ms. Wignall feels What we have now at Trilith is not enough. "We are proud that Fayette County was considered, but Fayette County is a huge County and there is lots of land space available for a project such as this. comprehension of the project. Now, to save face and time we NOW are all herded forward without a plan." The full development will displace many residents in and around Lees Mill Road and is not being shared or discussed with Fayette County residents.

PC Meeting

Ms. Vanderslice explained one requirement is the location within 20 minutes of the airport. While there are other large properties in Fayette County, this is the only site that the acreage requirement within 20 minutes of the airport. While there are those in opposition, it will bring additional restaurants and lodging to the area. The additional development will bring tax dollars to the community. This project allows Fayette County to decide its destination.

Ms. Vanderslice reiterated the request to reduce the buffer along Whitewater Creek to 200' from wretched vegetation and permission to submit the combination plat concurrently with the site plan in the interest of time.

Robert Burcher, Jr. from 244 Lees Mill Road noted the U.S. Soccer website has posted pictures of the proposed fields and buildings.

Ms. Vanderslice noted these are only concepts and many things could change before the final development is approved and constructed.

Ms. Bell read the conditions into the record prior to the motion.

RECOMMENDED CONDITIONS

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3. The project's primary construction entrance/exit shall be located on Veterans Parkway. There shall be no project-related construction traffic on Lees Mill Road between Sandy Creek Road and Veterans Parkway. A secondary construction entrance, however, may be approved by Public Works if necessary for the construction of stream crossings and related grading work. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway).
4. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.
5. The project shall have a maximum of one curb cut onto Lees Mill Road.

6. Development plans shall utilize the Whitewater Creek watershed protection buffers Sec. 104-182 Minimum watershed protection requirements, Article VII Watershed Protection.

7. All parcel remnants of parcels 0707 011 and 0708 042 located on the east side of Veterans Parkway shall be combined with Parcel 0542 005 on the east side of Veterans Parkway shall be combined with Parcel No. 0542 005 within 6 months of approval of the rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

8. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

9. Any development needing water along Veteran's will be required to install a 16-in line beginning at the tie-in at Lee's Mill/Veterans and South along Veterans.

Danny England recommended stipulating where the main entrance would be. We stipulate a limit of four (4) curb cuts on Veteran's Parkway and one (1) on Lees Mill Road, but not the location of the main entrance. It would be a travesty if the main entrance were to be on Lees Mill Road. Should we stipulate the front door needs to be on Veteran's Parkway or eliminate the Lees Mill curb cut entirely and drive all the traffic through Veteran's Parkway?

Ms. Bell stated the conditions could be amended.

Phil Mallon respectfully thinks access to Lees Mill Road should be allowed. When emergencies happen it is in everyone's best interest to have some flexibility. A site plan is still required.

Danny England agreed to allow staff control of access points, but reiterated the desire to steer access away from Lees Mill Road.

Jim Oliver stated, "I am simply basing my opposition on the fact that taxes are not being generated for the citizens to help with our own tax burdens."

John Culbreth made a motion to approve the Petition No. 1335-23B with conditions. John Krizan seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

8. Consideration of Petition No. 1335-23C, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 39.6621 acres from R-70 to A-R. The property is located in Land Lots 15 of the 7th District and Land Lots 224 & 225 of the 5th District and fronts on Veterans Parkway and Lees Mill Road.

PC Meeting

Ms. Vanderslice again requested the watershed buffer be reduced to 200 feet from the wretched vegetation of Whitewater Creek and permission to submit the combination plats and site plan concurrently.

Ms. Vanderslice mentioned the four parcels in the rezoning have paid approximately \$23,787 each year in property taxes. While this is a substantial sum, it is a minimal amount for the number of acres. She anticipates the community will reap tenfold what is being lost in property taxes for the tax-exempt project.

John Fonzo from 258 Lees Mill Road questioned the need to specify that each parcel will not be entitled to a curb cut on Lees Mill Road since each parcel is considered separately.

Ms. Vanderslice said that is why the plan is to combine the parcels within six (6) months of rezoning.

Michelle Iverson questioned the distinction of a minor vs. major arterial. She was unsure why there is a distinction if anything classified as minor is the same as major.

Ms. Bell explained that in terms of road classification, there is a category called major thoroughfare and within that is a broken-down classification of major and minor arterial.

Ms. Iverson, “So down the road when this is being reviewed and we get to the point of Article 5 Section 110 mm – the conditional use approval. And we get to that point where it says it shall be permitted only on a lot that fronts a major thoroughfare. I just urge you to keep an eye on that and if we are looking to change Lees Mill to a major thoroughfare category, I encourage you to make sure that it doesn’t happen.” She specifically did not understand how Lees Mill Road could be classified the same as a state route.

Ms. Bell reiterated Lees Mill Road is already a major thoroughfare. It is a minor arterial and major and minor arterial fall under the category of major thoroughfare. It already meets that criterion.

David Brill from 552 Hwy 279 inquired as to what was required for the soccer relocation other than acreage and proximity to the airport.

Ms. Vanderslice explained a project of this size must also have access to a sewer system. A project of this size could not be constructed on a septic system.

Charles Martin from 110 Beaverdam Road expressed concerns of loss of privacy. He understands this is the cusp of progress he encourages caution and protections for the community. When the Governor and media announced this development, it was a done deal. He’s concerned that Fayette County does not have any input. This development will bring construction jobs, but it will also displace residents. Remaining residents will be inconvenienced by the dust, dirt, and noise.

Sonia Wignall asked for the complete list of requirements for U.S. Soccer Federation to locate in Fayette County along Veterans Parkway and Lees Mill Rd. She noted the site does not currently have access to sewer and asked staff to clarify.

Ms. Bell stated that is not part of a rezoning discussion, but a discussion they would have with a sewer provider.

Jim Oliver noted the sewer lines would be run during the development process.

David Brill again asked what the requirements were besides proximity to the airport and sewer access.

Ms. Vanderslice explained there was a long list of requirements. They had to have at least 200 contiguous acres, be part of a diverse community, and sewer. They have the ability to select and they selected this site. She reiterated Fayette County has the right to say no, but our community met all of the requirements.

Deborah Sims reads the conditions for the petition –

RECOMMENDED CONDITIONS

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4. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.

5. The project shall have a maximum of one curb cut onto Lees Mill Road.
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9. Any development needing water along Veteran's will be required to install a 16-in line beginning at the tie-in at Lee's Mill/Veterans and South along Veterans.

John Culbreth made a motion to approve Petition No. 1335-23C with conditions. Danny England seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

9. Consideration of Petition No. 1335-23D, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 18.4863 acres from R-70 to A-R. The property is located in Land Lots 14 & 15 of the 7th District and fronts on Lees Mill Road.

Ms. Vanderslice noted that conditions 6, 7, and 9 are not necessary on this parcel. When it is replatted, it would become part of the larger tract.

Ed Wyatt from 362 Lees Mill Road was impressed with how thorough and thoughtful the citizens are. He felt it was unfair to require a board decision without the benefit of knowing how many seats or parking spaces would be included in the project. He asked Mr. England to make it part of the recommendation for the main entrance to be on Veteran's Parkway. He was concerned the Planning Commission and Board of Commissioners would have little to no input following the rezoning hearing.

Bryan Keller stated the entrance needs to be on Veteran's Parkway.

Jim Oliver asked if the public would have an opportunity to review and comment on the site plans when they are submitted before a final vote or acceptance.

PC Meeting

Ms. Bell explained site plans are not subject to a public hearing. People can request to see the plans. The final site plan would be several months from now. It is unlikely to have a conceptual site plan prior to the Board of Commissioners vote.

Ed Wyatt stated if the petitioner objects to having Veteran's Parkway as the primary entrance, it would speak loudly. The conceptual drawings online depict all the buildings, parking lots, and trams along Lees Mill Rd. He felt it was unfair for a decision to be made without requiring additional information.

Danny England asked Phil Mallon if there were essentially three (3) curb cuts on parcel B, the largest parcel, wouldn't that essentially eliminate the need for a curb cut on Lees Mill Road. Mr. England would like to see a traffic signal or roundabout on Lees Mill Road.

Danny England explained there isn't a site plan, nor is a site plan a requirement of rezoning. He understood the community's frustration and explained there is an extensive list of uses in A-R zoning including airports and hospitals. It is the Commissioner's job to look at one of those uses potentially happening. While it would be nice to have all the details at this point, it is not how the system works. Additionally, Commissioners do not have input after this point. It is incumbent on staff to review design and make suggestions. Rezoning is the first step.

Ms. Vanderslice thanked everyone involved in the hearing. These comments will go back to the developer and the U.S. Soccer Federation for consideration. The wetlands and buffer zone impacts where things may be placed. The initial plan is for a primary building and a maintenance shed, and then the fields. Fayette County requires a certain number of parking spaces for specific uses. Aspects of the project cannot be developed prior to the rezoning. If the watershed protection buffer had been reduced to 200' from wretched vegetation, the structure could have been moved further south.

You heard from all of these parents and coaches, and the fact that Kelley O'Hara can come home to Fayette County is an opportunity for our community. We will never get this again. I would ask for you to support this final rezoning application."

Deborah Sims stated staff is agreeable to removing 6,7 and 9 from this property as it doesn't really apply.

John Culbreth makes a motion to approve with all the associated amended conditions which are:

RECOMMENDED CONDITIONS

1. Lees Mill Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Lees Mill Road. Submittal of the warranty deed and legal descriptions shall be submitted to the Environmental Management Department prior to approval of a final plat for the properties.

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4. The project shall have a maximum of one curb cut onto Lees Mill Road.
5. Development plans shall utilize the Whitewater Creek watershed protection buffers Sec. 104-182 Minimum watershed protection requirements, Article VUU Watershed Protection.
6. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

John Culbreth made a motion to approve Petition No. 1335-23D with amended conditions. Danny England seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

Danny England invited everyone to attend the Board of Commissioners meeting on January 11th. and if there were further comments, you will bring them to those meeting. If this is approved, then the developer can move forward, and it becomes an active project for the developer. After that happens, the public is removed from the project, because it is not a public project, such as a library. It is nothing that is being funded by the city, so January 11th is your last time to come in to voice your opinion on the project.

Page 22

December 7, 2023

PC Meeting

ADJOURNMENT:

John Culbreth moved to adjourn the meeting. Danny England seconded. The motion passed 4-0.

The meeting adjourned at 9:47 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JIM OLIVER, CHAIRMAN

ATTEST:

**CHRISTINA BARKER
PLANNING COMMISSION SECRETARY**

PETITION NO: 1336-23

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

PARCEL NUMBER: 0510 024

PROPOSED USE: Highway Commercial

EXISTING USE: Single-Family Residential

LOCATION: 1009 Hwy. 85 S

DISTRICT/LAND LOT(S): 5th District, Land Lot 69 & 70

OWNERS: Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran

AGENT: N/A

PLANNING COMMISSION PUBLIC HEARING: January 4, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: January 25, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

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-H zoning is not appropriate. Furthermore, once zoning buffers and building setbacks are applied to the lot, the remaining area available to develop is approximately ¼-acre.

Based on the Investigation and Staff Analysis, Staff recommends **DENIAL** of the request for a zoning of C-H, Highway Commercial District.

Staff Note: A recorded plat dated April 24, 1981, notes a 30' strip on the north side of the property that is an apparent easement. Before the property is developed in any way, a new plat shall be required to include the purpose of the easement and its correct recorded information, or to remove the easement. There IS a 20' water line easement on the parcel immediately north of this property, but staff has confirmed with the Water Authority that their easement does not lie on the rezoning subject parcel.

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

1. The residential structures, primary and accessory, on the property shall be demolished within

90 days of approval of the rezoning.

2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal lot of record. This property is located in the General State Route Overlay Zone. The garage appears to encroach on the side building setback. The south and west sides of the property abut residential zoning, so a 50' vegetated buffer is required then a 15' building setback is required outside the buffer, for a total of 45'. The existing house encroaches into what would be a buffer area if this is C-H, and no building setback is provided.

The development will be subject to the General State Route Overlay, which provides enhanced front building setbacks and architectural standards.

B. REZONING HISTORY:

This property has historically been zoned A-R and has not been rezoned to any other district.

C. CURRENT DEVELOPMENT HISTORY:

The property currently has 1 single-family home and a detached garage.

B. SURROUNDING ZONING AND USES

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.65	C-H	Undeveloped	Low Density Residential (1 Unit/1 Acre)
South & West	4.16	R-50	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
East (across SR 85)	9.4	A-R	Single-family Residential	Low Density Residential (1 Unit/1 Acre)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acres). It is also in the General State Route Overlay Zone, which applies to all nonresidential development.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: State Route 85.

E. DEPARTMENTAL COMMENTS

- Water System** - Easement for 8-inch PVC 900 on property. Water is available in a 8 inch PVC900 water main on the East side of Hwy 85S.
- Public Works**
 - **Road Frontage and Right of Way Dedication**
 - GA Hwy 85 is a **Major Arterial** roadway and the GADOT controls all entrances, exits, and right of ways within the state route. Any proposed modifications to the site entrances, exits, and right of way dedication will be permitted through GADOT.
 - **Traffic Data**
 - According to the GDOT on-line traffic data in 2022, the annual average daily traffic for State Route 85 (approximately one (1) mile from the site) is **22,400 vehicles per day**. The owner has not submitted traffic data for a proposed development.
 - **Sight Distance**
 - Minimum sight distances will have to be satisfied for any proposed new driveways; GDOT will review sight distances and driveway permits on SR 85.
- Environmental Management**
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE NO KNOWN** state waters located on the subject property.
 - **Groundwater** - The property **IS NOT** within a groundwater recharge area.
 - **Stormwater Management** - There is no stormwater management facility on the parcel. The project will be subject to the Post-Development Stormwater Management Ordinance.
- Environmental Health Department** - This office has no objections to the proposed rezoning. Requirements for septic will be addressed at a later time.
- Fire** - No objections to the requested rezoning.
- GDOT** - there is already what seems to be a shared access with the residential property that is adjacent to this property and in this situation, it would be difficult to obtain a commercial access to the rezoned property; the applicant should be made aware of this concern.

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

ZONING DISTRICT STANDARDS

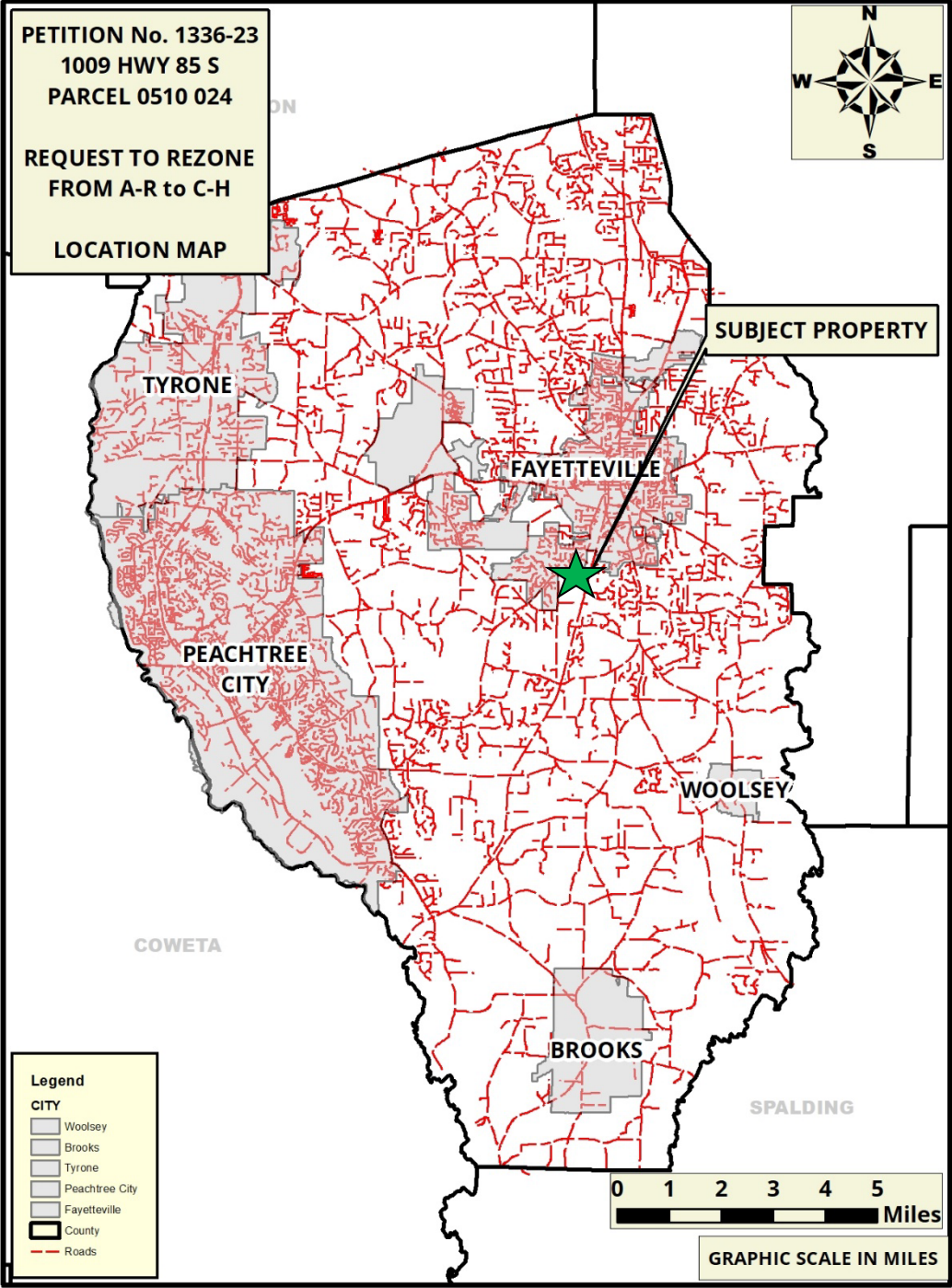
Sec. 110-144. C-H, Highway Commercial District.

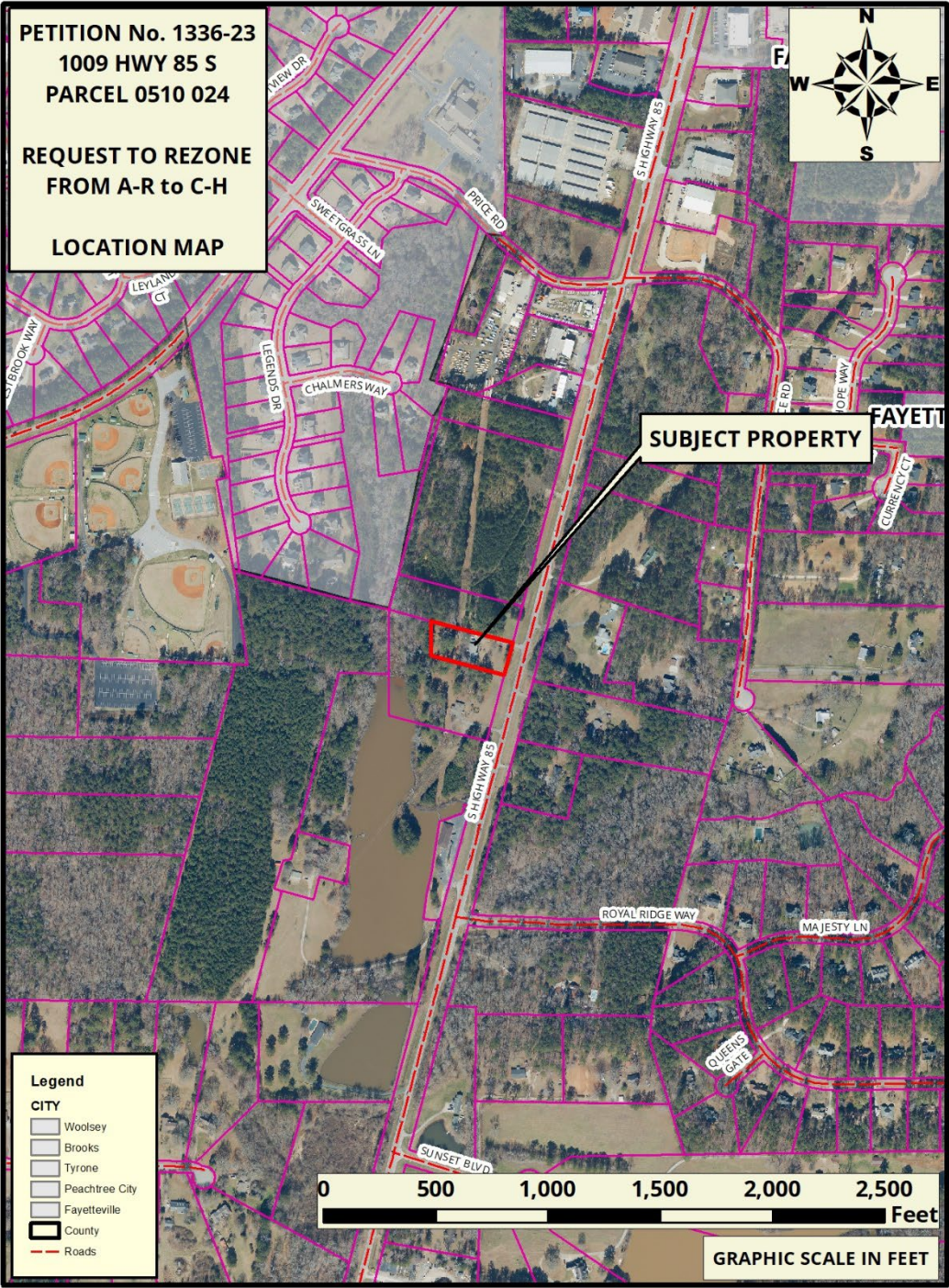
- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing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

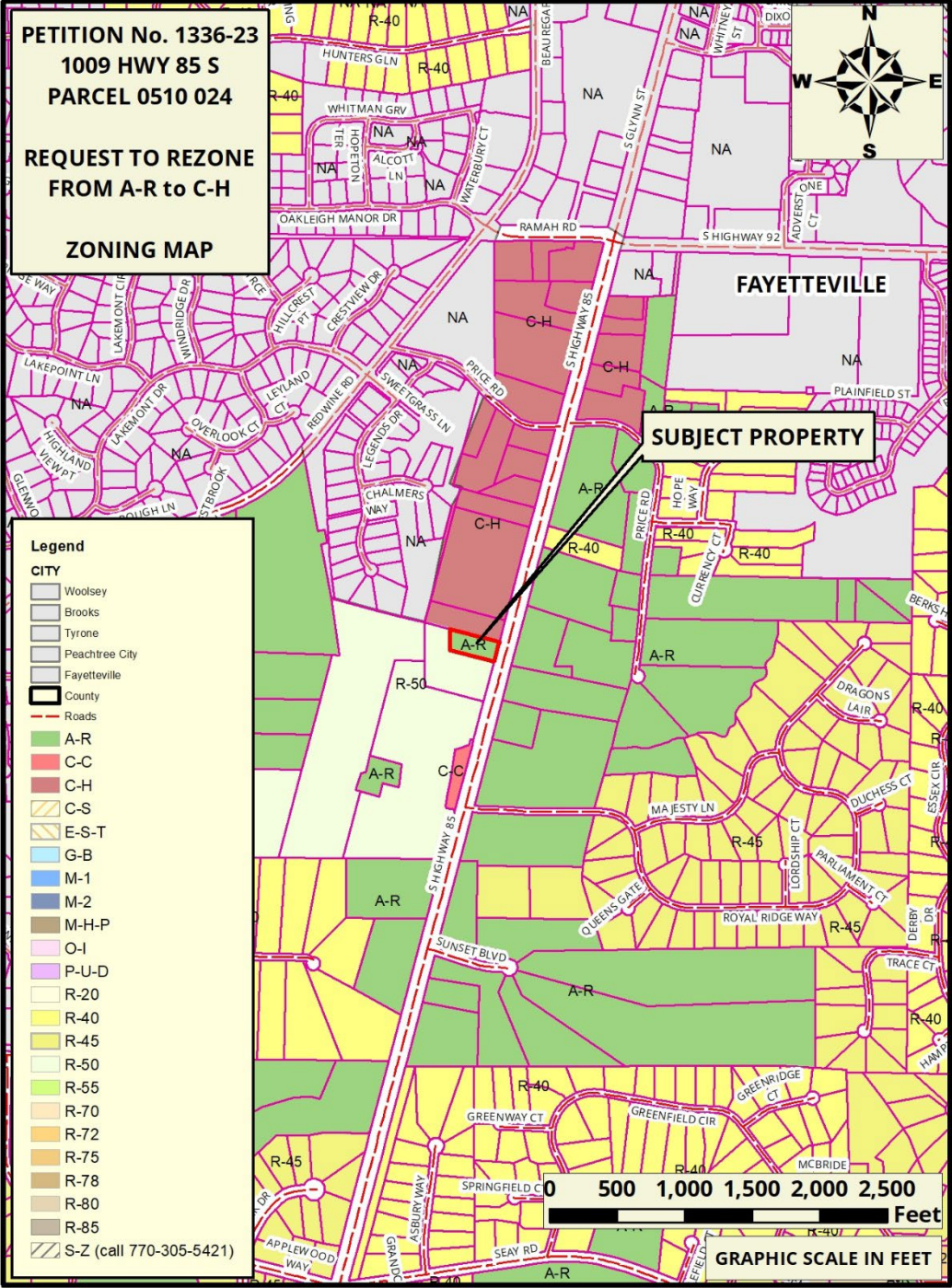
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;
- (66) Restaurant, including drive-in and/or drive-through;
- (67) Retail establishment;
- (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
- (69) Tattoo parlor;
- (70) Taxidermist;
- (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
- (72) Television/movie studio;

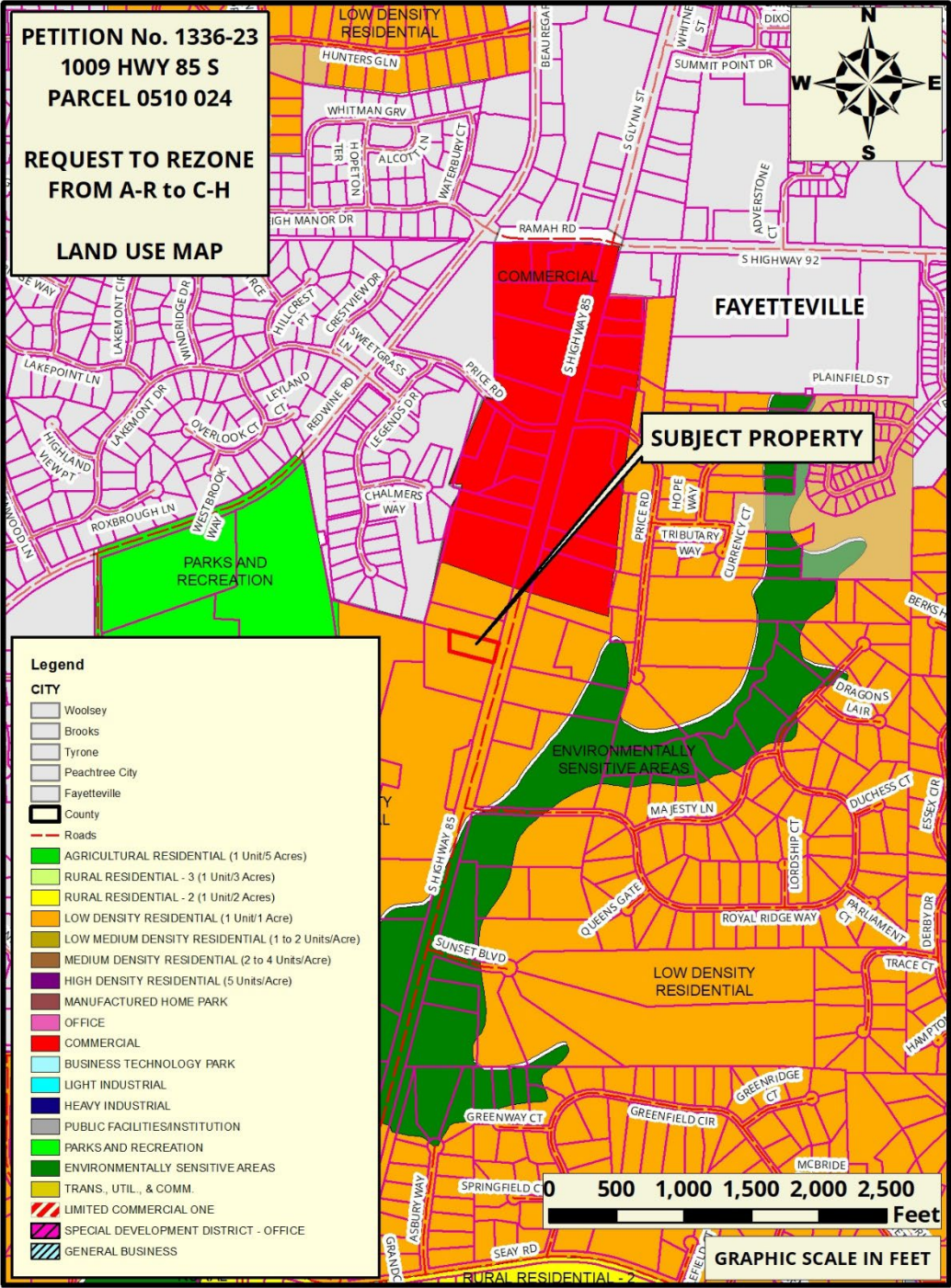
- (73) Upholstery shop; and
(74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;
 - (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);
 - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.

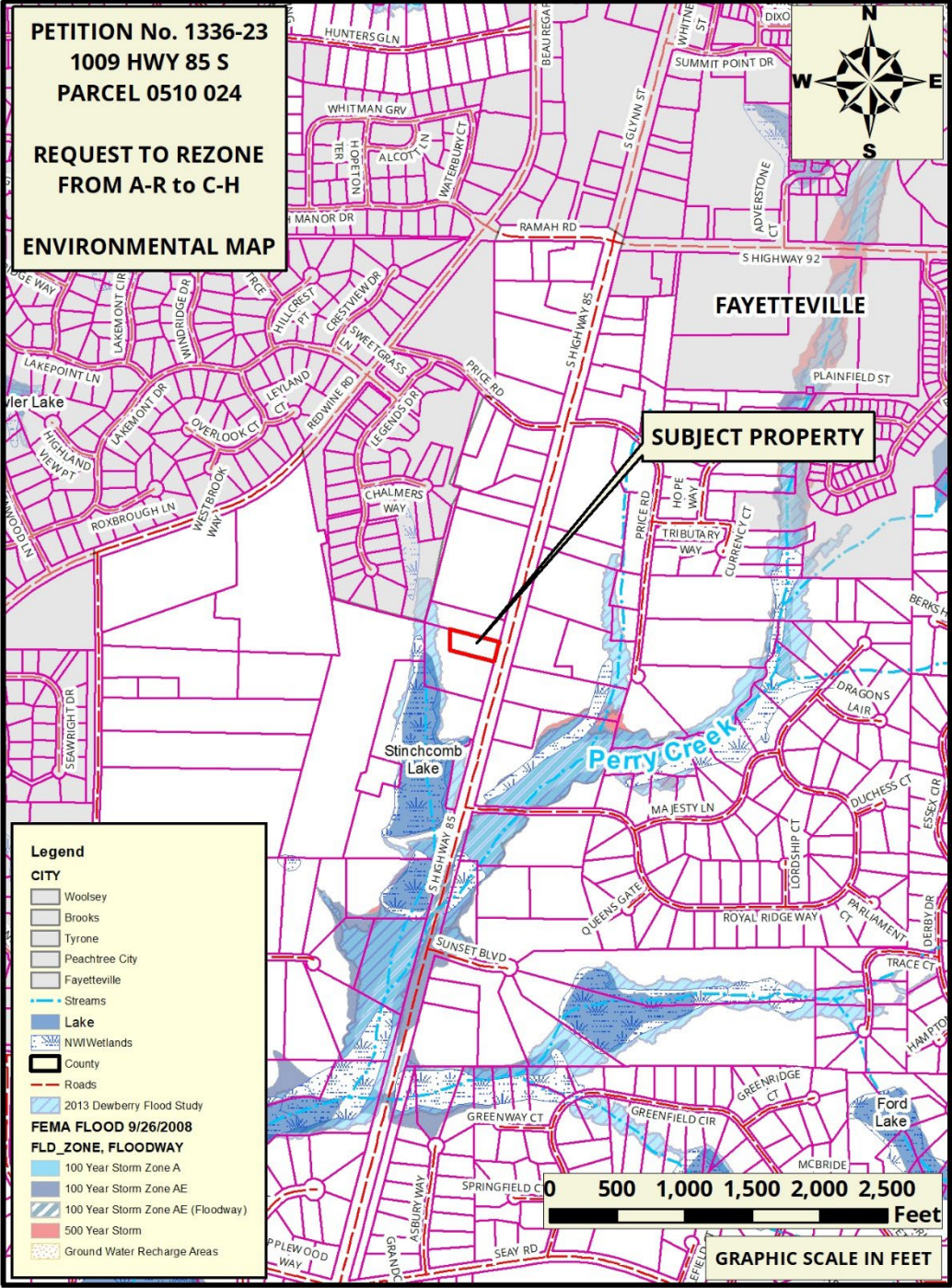
- 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
 - (7) Height limit: 35 feet.
 - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (Code 1992, § 20-6-20; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 5, 6, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 5, 6, 10-25-2018; Ord. No. 2020-02, §§ 10, 11, 5-28-2020; Ord. No. 2021-05, § 1, 3-25-2021; Ord. No. 2021-09, § 3, 5-27-2021; Ord. No. 2021-10, § 1, 5-27-2021)

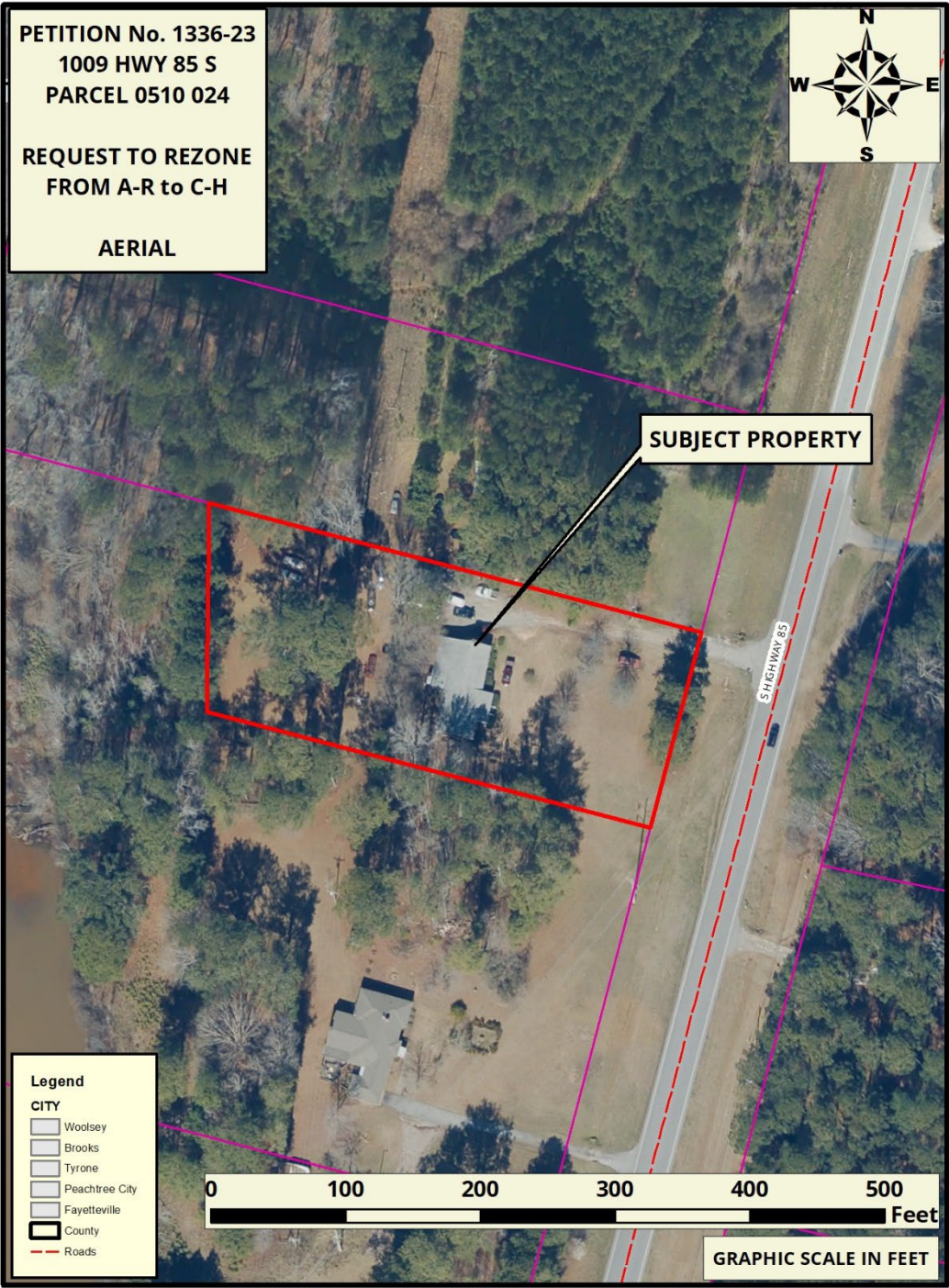


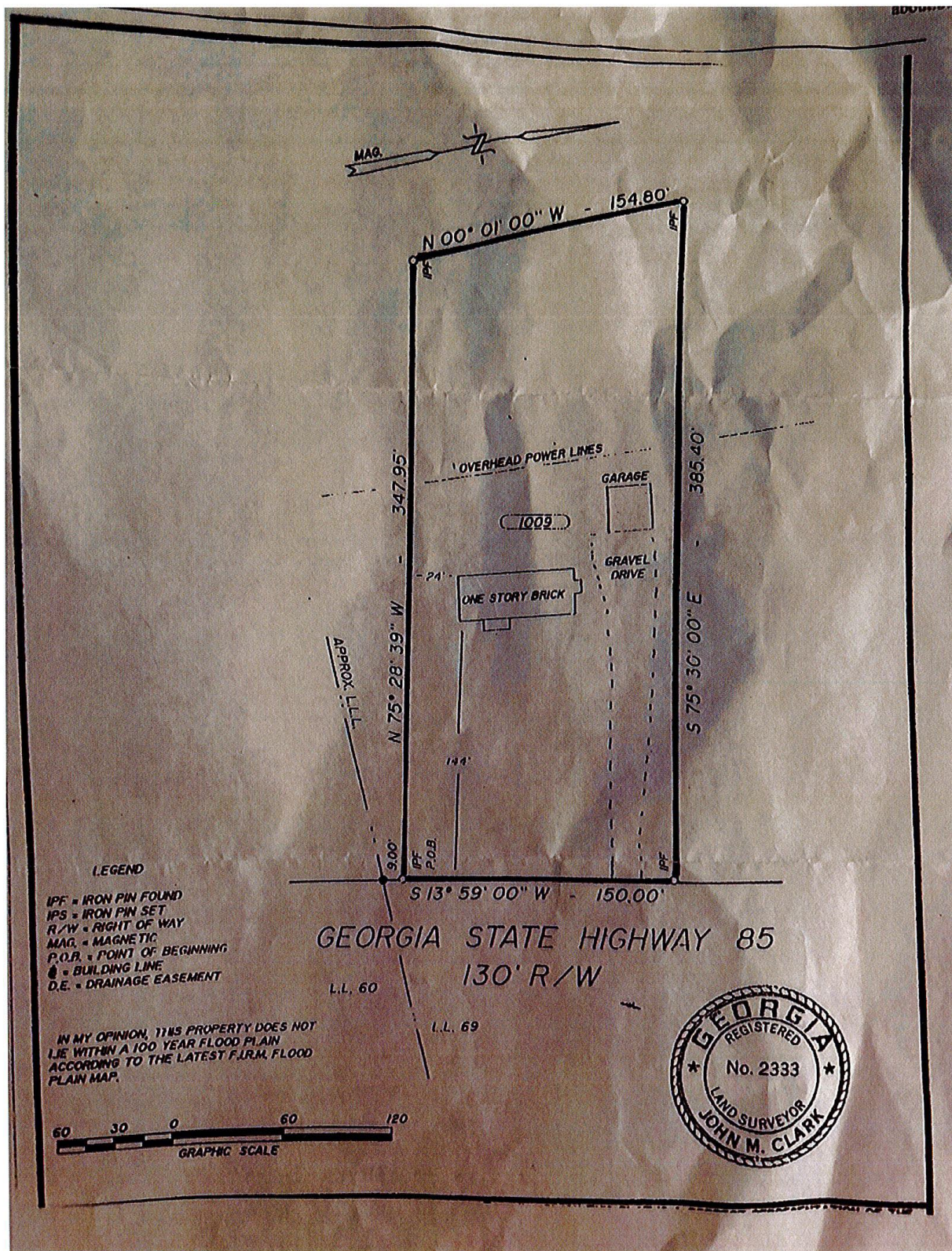




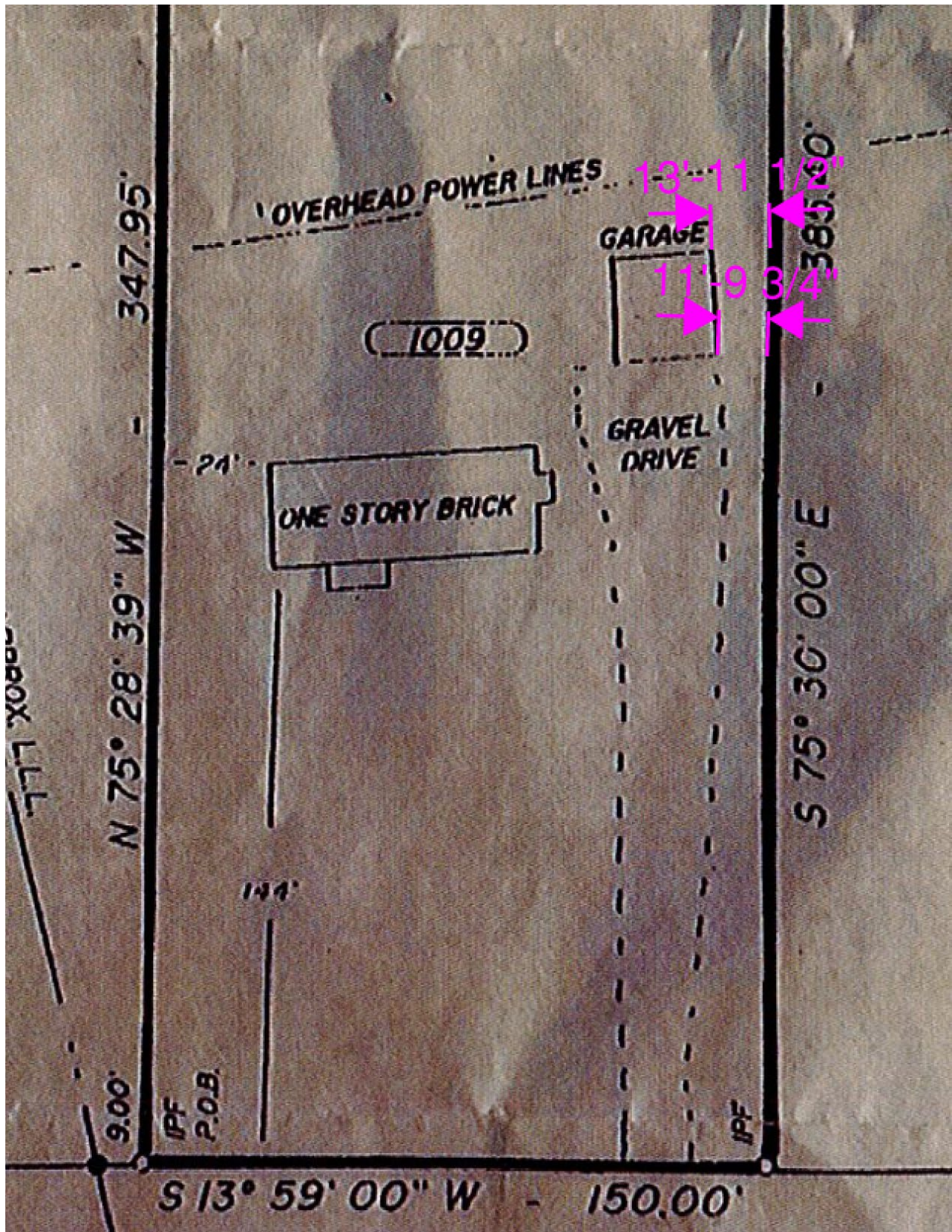




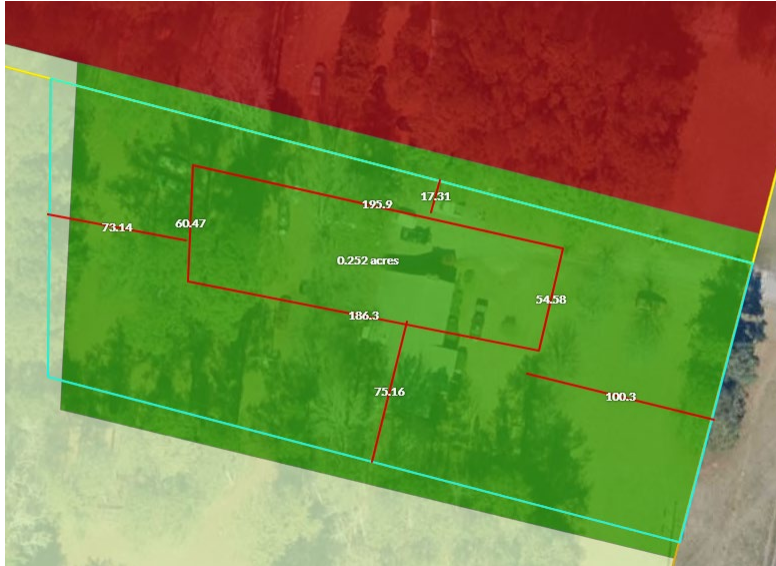




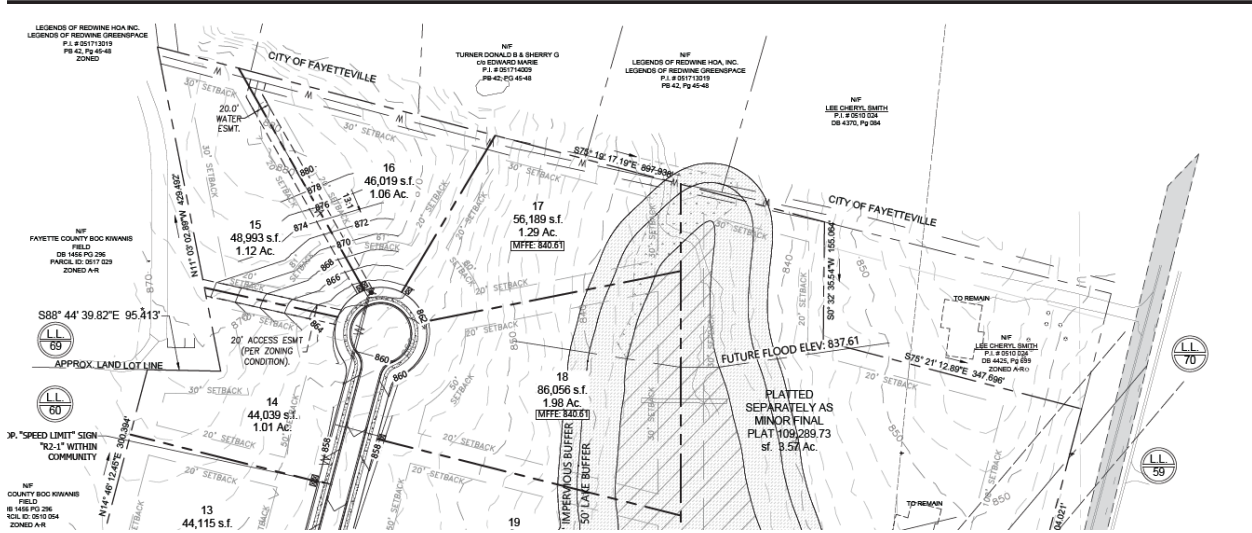
SURVEY



APPROXIMATE DISTANCES OF GARAGE TO PROPERTY LINE



APPROXIMATE SETBACKS AND BUFFERS



30' EASEMENT ON NORTH PROPERTY LINE.
PART OF WATER LINE EASEMENT POSSIBLY ON PARCEL

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

1336-23

PROPERTY INFORMATION:

Parcel No. 0510 024 Acreage: 1.3

Land Lot: 69 ÷ 70 Land District: 5TH

Address: 1009 Hwy 855

Existing Zoning: A-R Requested Zoning: C-H

Zoning of Surrounding Properties: C-H, R-50, A-R : City of Fayetteville.

Existing Use: A-R Proposed Use: C-H

Total Number of Acres Requested to be Rezoned: 1.3

Land Use Plan Designation: COMMERCIAL

Name and Type of Access Road: STATE HIGHWAY

Location of Nearest Water Line: Hwy 85

PROPERTY OWNER INFORMATION

ANDRES FELIPE GALLO, SAVANNA GALLO,
Name CURTIS RYAN THOMAS & SHEFFY COCHRAN

Email _____

Address 100 Mackenzie Ln. 30214

Phone _____

AGENT/DEV
(If not owner)

Name _____

Email _____

Address _____

Phone _____

110 Mackenzie
lane
Fayetteville
GA 30214

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1336-23

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

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

by Staff: Debra M Sims Date: 10/25/2023

DATE OF PLANNING COMMISSION HEARING: January 4, 2024

DATE OF COUNTY COMMISSIONERS HEARING: January 25, 2024

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

Date Paid: 10/25/2023 Receipt Number: 19475

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:

ANDRES FELIPE GALLO, SAVANNA GALLO, CURTIS RYAN THOMAS & SNEFFLEY COCHRAN

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0510 024

(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) 69.70 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 1.3 acres

(legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1

[Signature]
Signature of Notary Public

110 Mackenzie Lane
Address Fayetteville, GA 30214

10/13/2023
Date

[Signature]
Signature of Property Owner 2

[Signature]
Signature of Notary Public

110 Mackenzie Lane
Address Fayetteville, GA 30214

10/13/2023
Date

[Signature]
Signature of Property Owner 3

[Signature]
Signature of Notary Public

45 Grace HOPE CT
Address Scottdale, GA 30276

10/13/2023
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

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:

ANDRES FELIPE GALLO, SAVANNA GALLO, CURTIS RYAN THOMAS & SHERREY COCHRAN
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0510 024

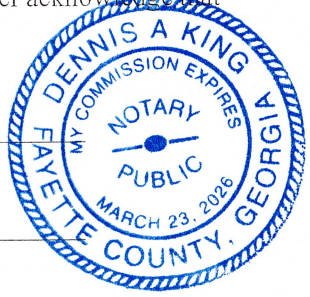
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 69170 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 1.3 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1
45 Grace Hope Ct
Senoia Ga 30276
Address

[Signature]
Signature of Notary Public
SEP 12, 2023
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

770-598-0819
shetty12@gmail.com

OWNER'S AFFIDAVIT

NAME: Andres P. Gallo, Saranna Gallo, Curtis Pym Thomas PETITION NUMBER: ~~4334-23~~

ADDRESS: 1009 Hwy 85 S, Fayetteville, GA 30215

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

see above affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 5th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 300.00 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 7th day of Dec., 20 23 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 11th day of Jan, 20 24 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY OF October, 2023.

Andres Gallo
SIGNATURE OF PROPERTY OWNER

Saranna Gallo
SIGNATURE OF PROPERTY OWNER

Deborah M Sims
NOTARY PUBLIC

My Commission Expires 01/08/2027
Coweta County, GEORGIA
NOTARY PUBLIC
Deborah M Sims

OWNER'S AFFIDAVIT

NAME: Shelley Cochran PETITION NUMBER: 1334-23

ADDRESS: 1009 Hwy 855 Fayetteville 30276

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

Shelley Cochran affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 5th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 300.00 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 7th day of Dec., 20 23 at 7:00 P.M.

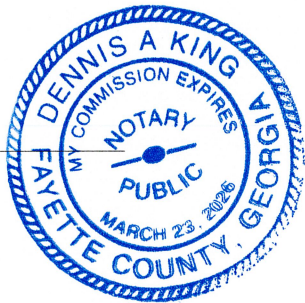
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 11th day of Jan, 20 24 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF SEP., 20 23

Shelley Cochran
SIGNATURE OF PROPERTY OWNER

N/A
SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Andres Gallo, Savanna Gallo, Curtis Ryan Thomas, 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 1009 Hwy 85 S Fayetteville GA 30215 as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 13th day of October, 2023.

Andres Gallo
SIGNATURE OF PROPERTY OWNER

Savanna Gallo
SIGNATURE OF PROPERTY OWNER
[Signature]

Debra M Sims
NOTARY PUBLIC

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

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Shelley Cochran, 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 16th day of October, 2023.

Shelley Cochran
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Debra M Sims
NOTARY PUBLIC

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

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.

Christina Barker

From: sheffey cochran <sheffey12@gmail.com>
Sent: Monday, October 16, 2023 4:22 PM
To: Planning & Zoning
Subject: 1009 Hwy 85 s Fayetteville 30215

You don't often get email from sheffey12@gmail.com. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Letter of intent

To whom it may concern

The current property is residential. I would like it to be rezoned due to the fact most of the properties next to my home are commercial and also a large storage unit facility.

Regards

Sheffey
Your Real Estate Expert

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

File No.: PTC-22-2763
Parcel ID: 0510 024

Type: WD
Recorded: 4/4/2022 3:26:00 PM
Fee Amt: \$25.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 9035938284,
7067927936

BK 5475 PG 550 - 552

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 29th day of March, 2022 between

Andres Felipe Gallo and Curtis Ryan Thomas,

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

Andres Felipe Gallo and Curtis Ryan Thomas, Savanna Gallo and Sheffey Cochran,
as Tenants in Common

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

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 Dollars (\$10.00)** AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantees, all that tract or parcel of land:

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

commonly known as **1009 Highway 85, Fayetteville, GA 30215**

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

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees 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 Grantees against the claims of all persons owning whomsoever.

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

Andres Felipe Gallo (SEAL)
Andres Felipe Gallo

Curtis Ryan Thomas (SEAL)
Curtis Ryan Thomas

[Signature]
Notary Public
My Commission Expires:
SEAL:

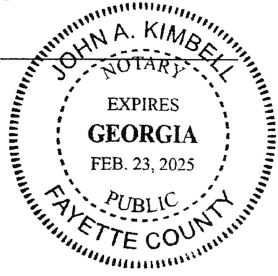


EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 69, 5th District, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the northwesterly side of State Highway No. 85 (Having a 130 foot right of way), nine (9) feet northeasterly from the intersection of the northwesterly side of State Highway No. 85 with the south line of said Land Lot 69; running thence north 13 degrees 59 minutes east along the northwesterly side of State Highway No. 85 a distance of one hundred fifty (150) feet to an iron pin, running thence north 75 degrees 30 minutes west a distance of three hundred eighty-five and four-tenths (385.4) feet to an iron pin; running thence south 00 degrees 01 minute east a distance of one hundred fifty-four and eight-tenths (154.8) feet to an iron pin; running thence south 75 degrees 30 minutes east a distance of three hundred forty— eight (348) feet to an iron pin on the northwesterly side of State Highway No. 85 and the POINT OF BEGINNING, being improved property with a house located thereon, all as shown on survey prepared by Lee Engineering Co., dated March 28, 1975.

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

Being the same property as conveyed from Dave C. Lee and Cheryl S. Lee to Cheryl Smith Lee at Deed Book 4370 Page 86; and Dave C. Lee and Cheryl S. Lee to 1009 Hwy 85 LLC at Deed Book 4137 Page 571; and Mickey J. Edwards to Cheryl S. Lee as Trustee of the Cheryl S. Lee Trust Dated 9/6/1991 at Deed Book 2346, Page 662; and Lanny M. Copeland AKA L. M. Copeland to Mickey J. Edwards at Deed Book 945, Page 629; and Karen A. Copeland to Lanny M. Copeland AKA L. M. Copeland at Deed Book 931, Page 501; and Lanny Michael Copeland to Karen A. Copeland at Deed Book 609, Page 142; and Sandra Stinchcomb Barge to L. M. Copeland and Karen Copeland at Deed Book 247, Page 22; and Geraldine A. Stinchcomb to Sandra Stinchcomb Barge at Deed Book 138, Page 654; and Hugh Gerald Stinchcomb Executor of the Last Will & Testament of Hugh M. Stinchcomb to Sandra Stinchcomb Barge at Deed Book 138, Page 63.

PARCEL#: 0510 024

To: Fayette Daily News
From: Fayette County Planning and Zoning
Date: December 12, 2023
Subject: Legal Ad to Run

Petition No: 1336-23
Legal Ad to Run: December 20, 2023

Billing Address: Fayette County Planning & Zoning Department
140 Stonewall Avenue West
Suite 202
Fayetteville, GA 30214

Petition No: 1336-23

Ad to Run: December 20, 2023

**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, January 4, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, January 25, 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.:	1336-23
Owner/Agent:	Andres Felipe Gallo, Savanna Gallo, Curtis Ryan Thomas & Sheffey Cochran
Existing Zoning District:	A-R
Proposed Zoning District:	C-H
Parcel Number:	0510024
Area of Property:	1.3 acres
Proposed Use:	C-H
Land Lot(s)/District:	69 & 70 of the 5 th District
Fronts on:	Hwy. 85 S

Legal Description:

EXHIBIT "A"
LEGAL DESCRIPTION

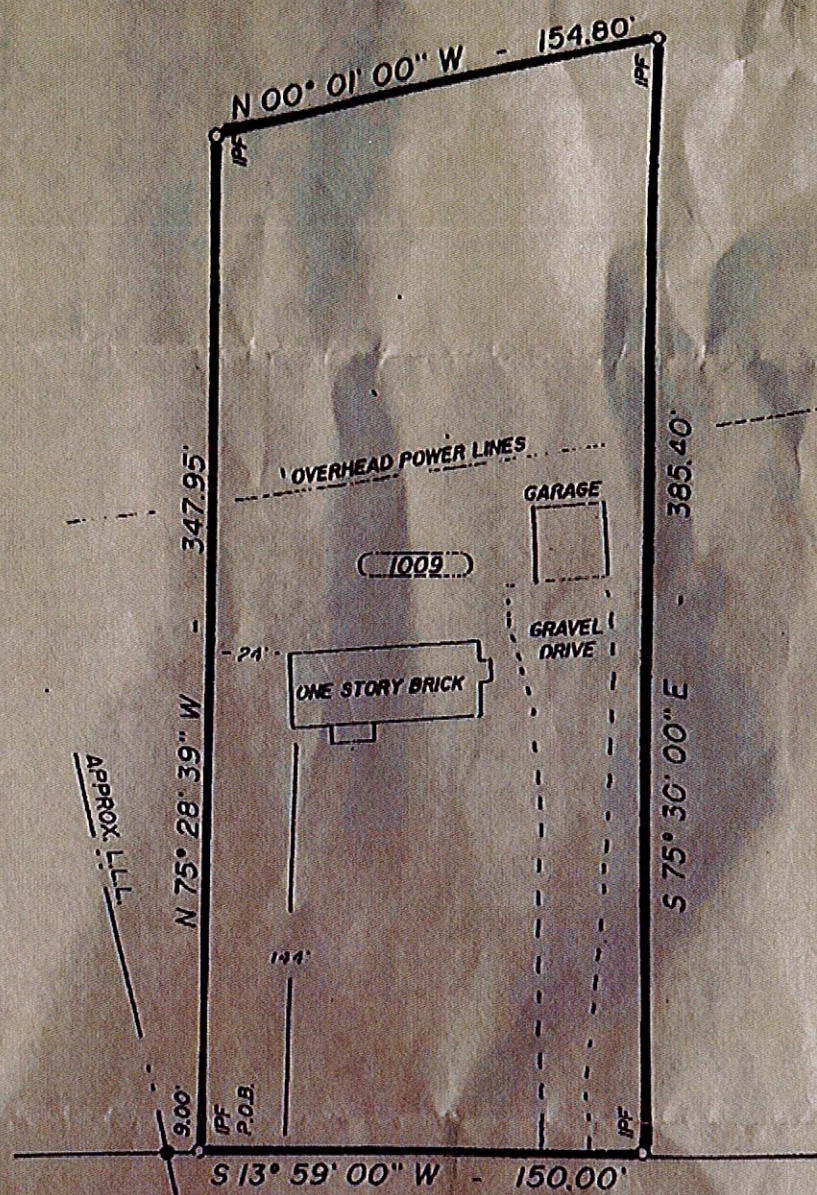
All that tract or parcel of land lying and being in Land Lot 69, 5th District, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the northwesterly side of State Highway No. 85 (Having a 130 foot right of way), nine (9) feet northeasterly from the intersection of the northwesterly side of State Highway No. 85 with the south line of said Land Lot 69; running thence north 13 degrees 59 minutes east along the northwesterly side of State Highway No. 85 a distance of one hundred fifty (150) feet to an iron pin, running thence north 75 degrees 30 minutes west a distance of three hundred eighty-five and four-tenths (385.4) feet to an iron pin; running thence south 00 degrees 01 minute east a distance of one hundred fifty-four and eight-tenths (154.8) feet to an iron pin; running thence south 75 degrees 30 minutes east a distance of three hundred forty- eight (348) feet to an iron pin on the northwesterly side of State Highway No. 85 and the POINT OF BEGINNING, being improved property with a house located thereon, all as shown on survey prepared by Lee Engineering Co., dated March 28, 1975.

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

Being the same property as conveyed from Dave C. Lee and Cheryl S. Lee to Cheryl Smith Lee at Deed Book 4370 Page 86; and Dave C. Lee and Cheryl S. Lee to 1009 Hwy 85 LLC at Deed Book 4137 Page 571; and Mickey J. Edwards to Cheryl S. Lee as Trustee of the Cheryl S. Lee Trust Dated 9/6/1991 at Deed Book 2346, Page 662; and Lanny M. Copeland AKA L. M. Copeland to Mickey J. Edwards at Deed Book 945, Page 629; and Karen A. Copeland to Lanny M. Copeland AKA L. M. Copeland at Deed Book 931, Page 50I; and Lanny Michael Copeland to Karen A. Copeland at Deed Book 609, Page 142; and Sandra Stinchcomb Barge to L. M. Copeland and Karen Copeland at Deed Book 247, Page 22; and Geraldine A. Stinchcomb to Sandra Stinchcomb Barge at Deed Book 138, Page 654; and Hugh Gerald Stinchcomb Executor of the Last Will & Testament of Hugh M. Stinchcomb to Sandra Stinchcomb Barge at Deed Book 138, Page 63.

PARCEL#: 0510 024

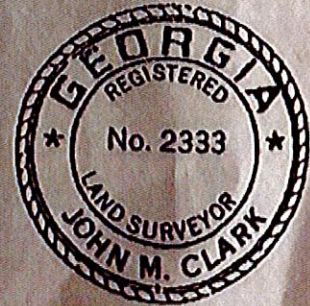


LEGEND

- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- R/W = RIGHT OF WAY
- MAG. = MAGNETIC
- P.O.B. = POINT OF BEGINNING
- ▬ = BUILDING LINE
- D.E. = DRAINAGE EASEMENT

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO THE LATEST F.I.R.M. FLOOD PLAIN MAP.

GEORGIA STATE HIGHWAY 85
130' R/W



From: [Taylor, Stanford](#)
To: [Deborah Sims](#)
Subject: FW: 1009 S Highway 85
Date: Wednesday, October 25, 2023 4:03:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[Survey - 1009 Hwy 85 S.pdf](#)

External Email Be cautious of sender, content, and links

Good afternoon, Deborah,

The GDOT concern would be that there is already what seems to be a shared access with the residential property that is adjacent to this property and in this situation it would be difficult to obtain a commercial access to the rezoned property, the applicant should be made aware of this concern.

Stanford Taylor

District Traffic Operations Manager



District 3 – Traffic Operations
115 Transportation Blvd.
Thomaston GA 30286
706.646.7592 office

From: Deborah Sims <dsims@fayettecountyga.gov>
Sent: Wednesday, October 25, 2023 3:33 PM
To: Taylor, Stanford <stataylor@dot.ga.gov>
Subject: 1009 S Highway 85

Stanford,

We have received a request to rezone 1009 S Hwy 85 to C-H, Highway Commercial. Currently, this property is zoned A-R, Agricultural-Residential. Please let me know if you have any concerns. The public hearings are in January.

Deborah M. Sims

ZONING ADMINISTRATOR

770-305-5421

140 Stonewall Avenue West, Suite 202



Fayetteville, GA 30214
dsims@fayettecountyga.gov

Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.

PETITION NO: 1337-23

REQUESTED ACTION: Rezone from A-R to R-20

PARCEL NUMBER: 0512 003

PROPOSED USE: Single-Family Residential

EXISTING USE: Single-Family Residential

LOCATION: 482 Hilo Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 55

ACREAGE: 2.40 acres

OWNERS: Javier Torres Fernandez

AGENT: Nathan Dockery

PLANNING COMMISSION PUBLIC HEARING: January 4, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: January 25, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of constructing a single-family home and accessory structures.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential is designated for this area, so the request for A-R zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of R-20, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a nonconforming lot. This property is not located in an Overlay Zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land.

B. 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
North	1.0	A-R	Single Family Residential	Low Density Residential – 1 unit/ 1 acre
East	3.25	R-20	Single Family Residential	Low Density Residential – 1 unit/ 1 acre
South (across Hilo Rd)	1.0; 0.5	R-40; A-R	Single Family Residential	Low Density Residential – 1 unit/ 1 acre
West	1.94	A-R	Undeveloped forested land	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 on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

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

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

E. DEPARTMENTAL COMMENTS

- Water System** - Water is available on the North side of Hilo Road in a 10-inch PVC900 water main.

- Public Works** – No objections. Please refer to recommended conditions.
- Traffic Data
 - Hilo Road is classified as a Minor Arterial and requires a 100' Right of Way per the Fayette County Thoroughfare Plan. The posted speed limit is 35 mph.
 - Sight Distance
 - There ARE sight distance issues on the west side of the property due to the existing geometry of Hilo Road to the west of the property.
- Environmental Management** - No objections.
 - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0116E dated September 26, 2008, and the FC Flood Study.
 - Wetlands -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - Watershed Protection -- There ARE NO state waters located on the subject property per Fayette County GIS.
 - Groundwater -- The property IS NOT within a groundwater recharge area.
 - Post Construction Stormwater Management -- Single family home construction of existing lots does not apply.
- Environmental Health Department** – Dept. has no objections to proposed rezoning from A-R to R-20. However, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, an application must submit an application to this office prior to building. These items must be submitted with the initial application: the applicable fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan of the structure, a site plan sketch, and a plat of the property.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential.

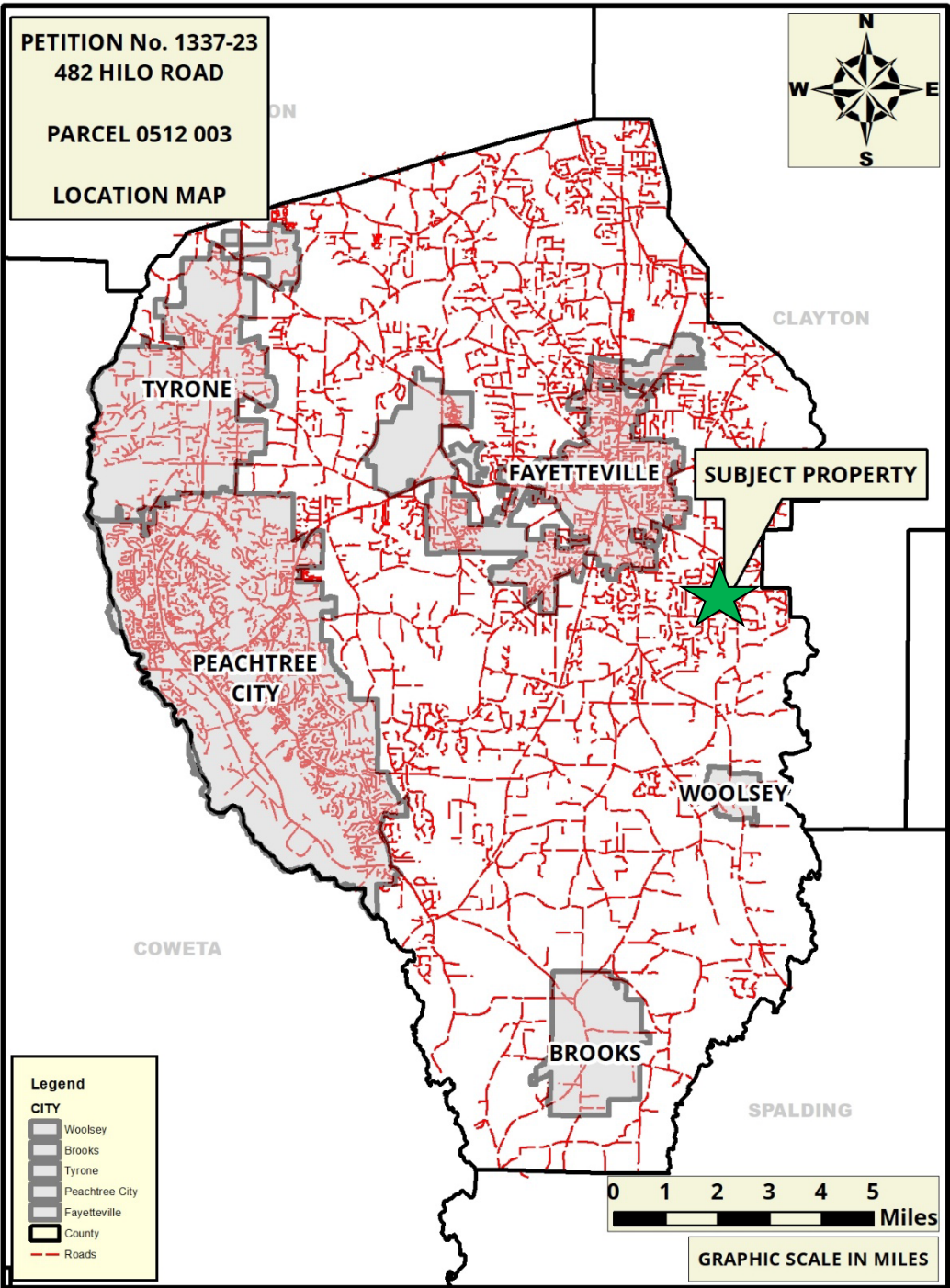
ZONING DISTRICT STANDARDS

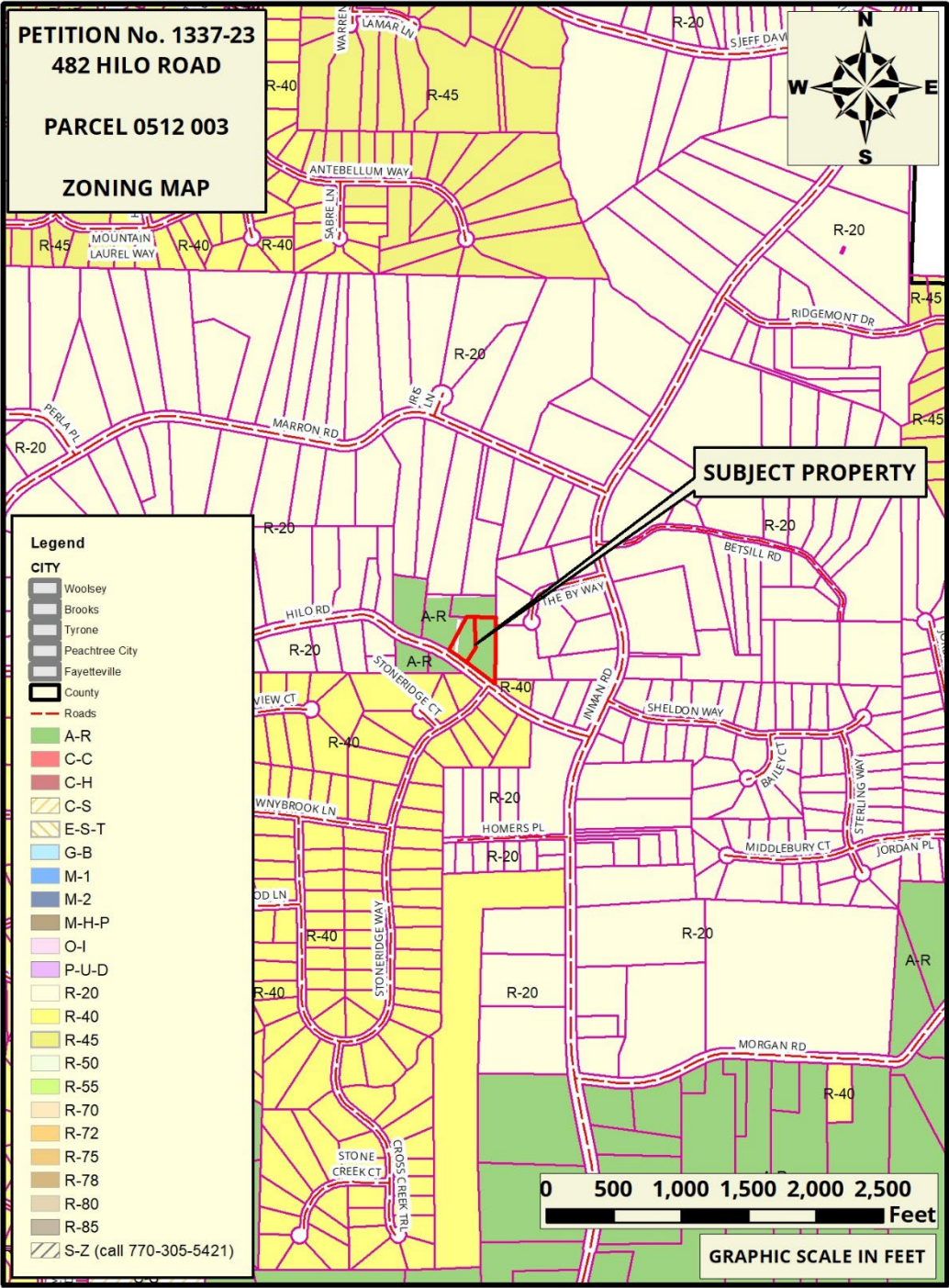
Sec. 110-138. R-20, Single-Family Residential District.

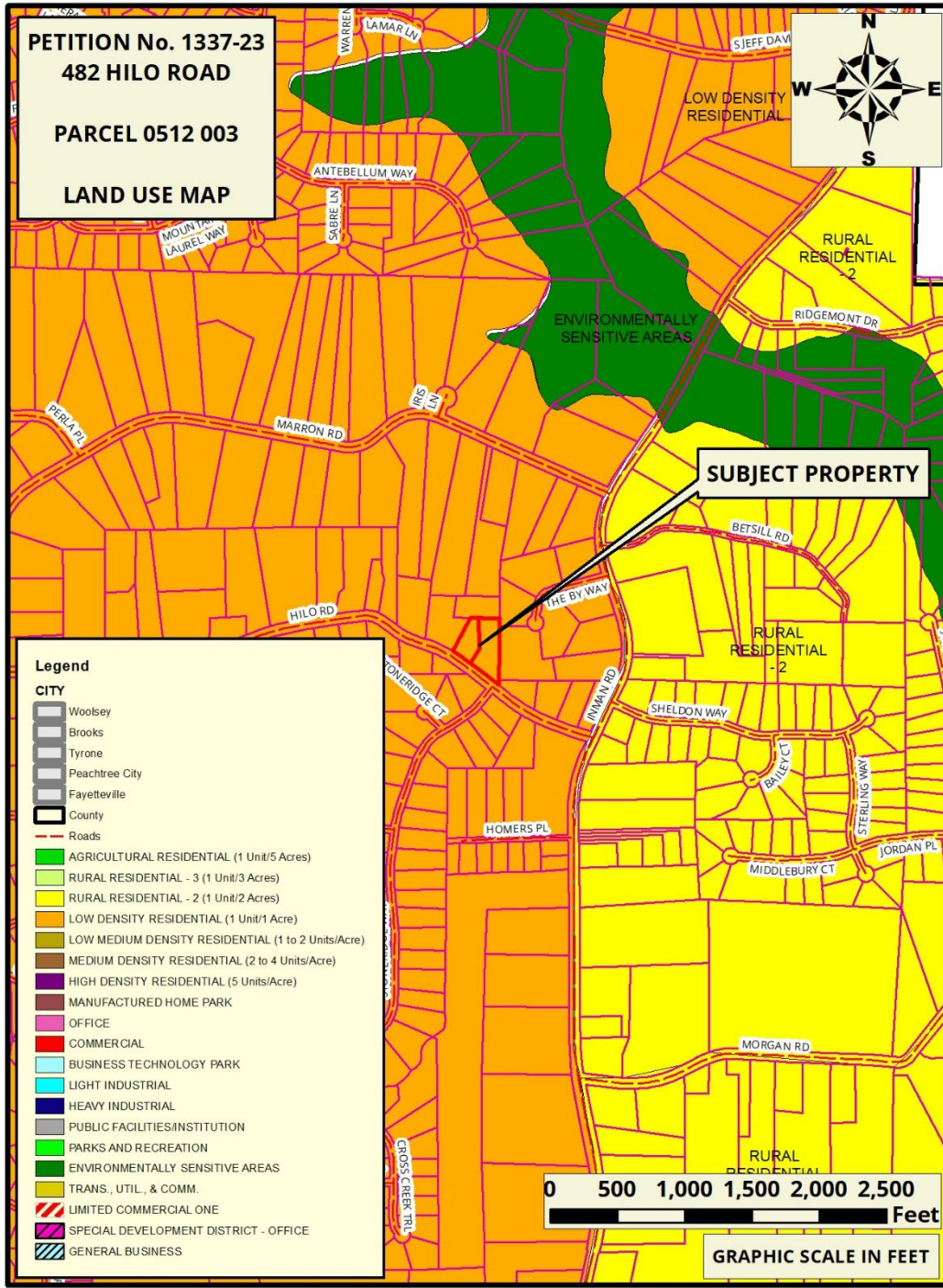
- (a) *Description of district.* This district is composed of certain lands and structures having a medium density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-20 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-20 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;

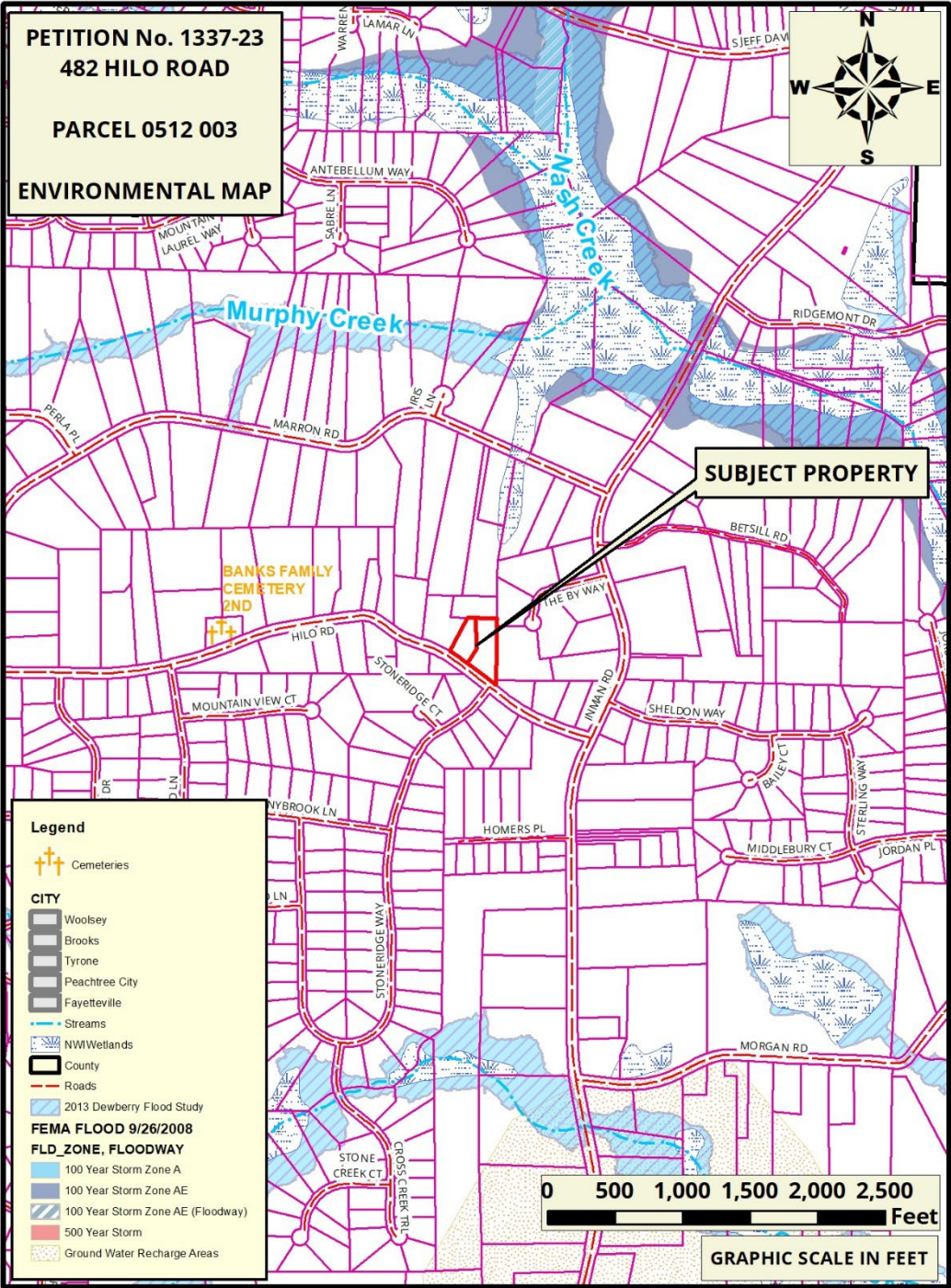
- (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-20 zoning district shall be as follows:
- (1) Lot area per dwelling unit:
 - a. Where a central sanitary sewage or a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 - 1. Arterial: 150 feet.
 - 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 60 feet.
 - 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
 - (5) Rear yard setback: 30 feet.
 - (6) Side yard setback: 15 feet.
 - (7) Height limit: 35 feet.

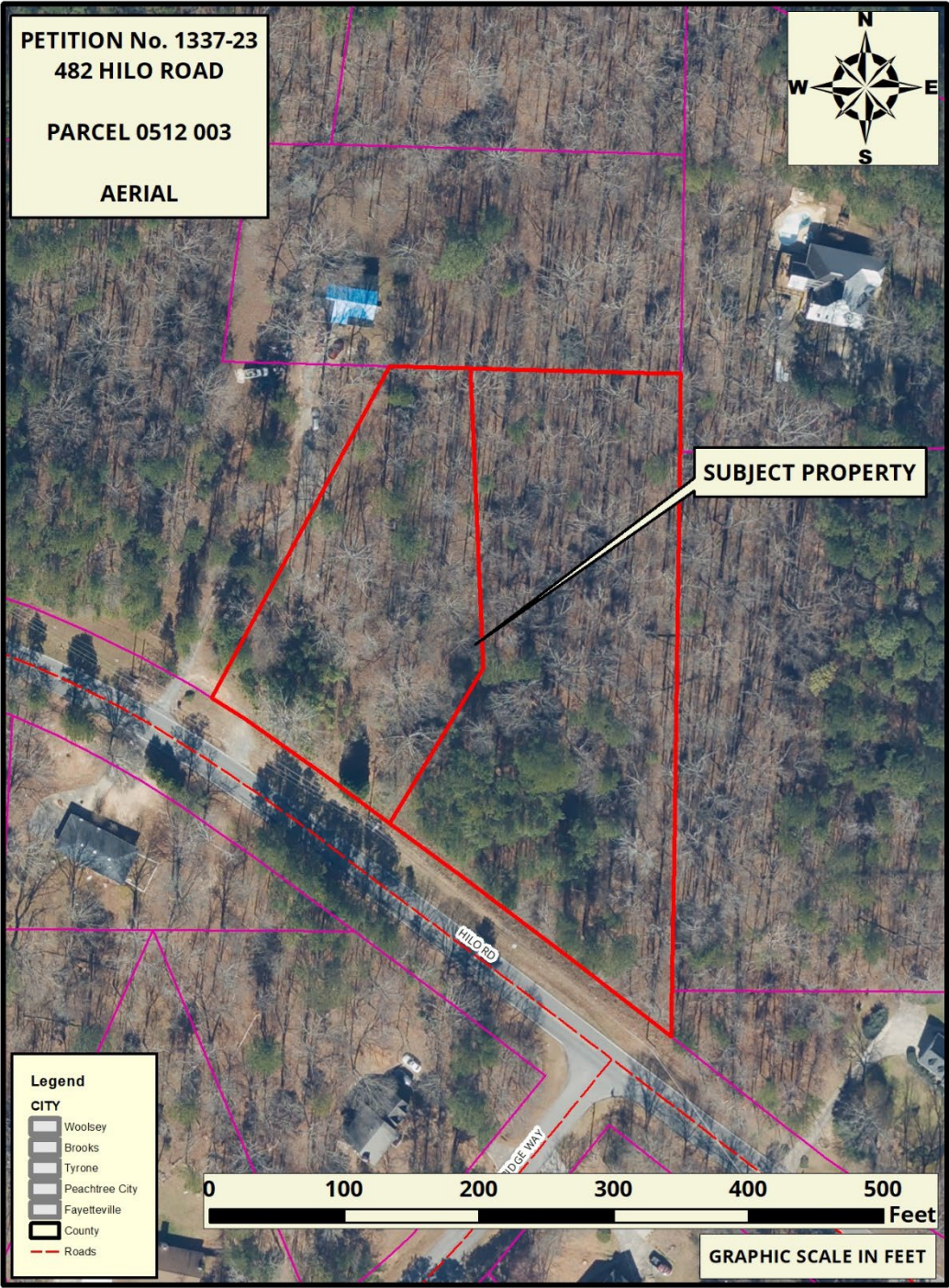
(Code 1992, § 20-6-14; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)









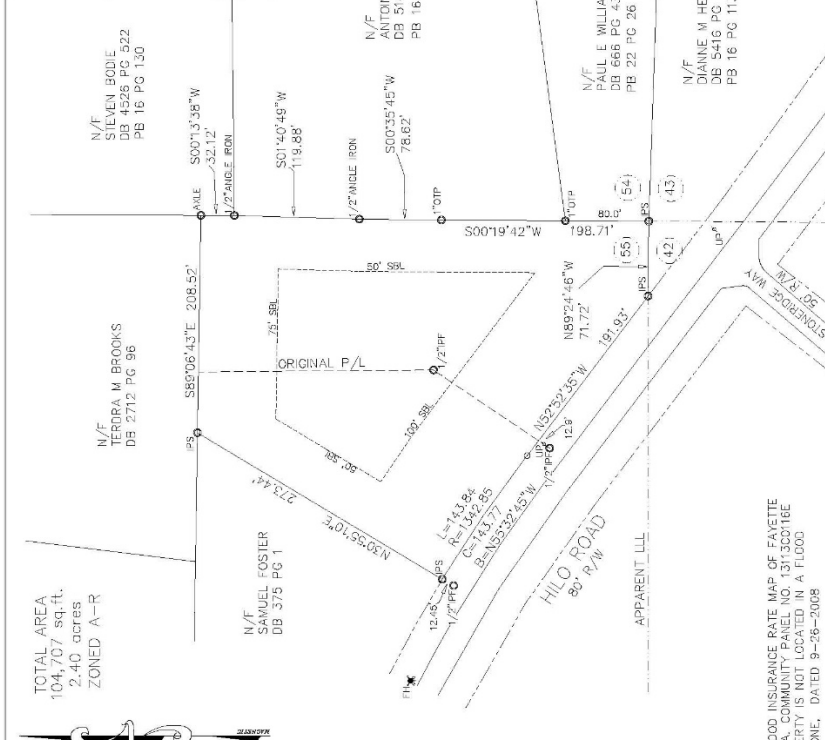


BURTON & ASSOCIATES
 1740 Hudson Bridge Rd
 Box 1226
 Stockbridge, GA 30281
 TEL (404)867-8332
 bdainc@bellsouth.net

BOUNDARY SURVEY
 452 HILLO ROAD
 COMBINING PD#S 0512 003 & 0512 069

FOR
KATHLEEN J MCELHINNEY

LAND LOT	55	COUNTY	FAVETTE	DATE	6-01-2023
DISTRICT	5	SCALE	1"=100'	JOB NO.	52323MC



TOTAL AREA
 104,707 sq-ft.
 2.40 acres
 ZONED A-R

N/E 90° 19' 42" W 198.71'
 N 89° 24' 46" W 71.72'
 N 59° 29' 26" W 12.6'
 N 77° 10' 0" W 12.45'
 N 52° 32' 52" W 12.6'
 N 77° 10' 0" W 12.45'
 N 52° 32' 52" W 12.6'
 N 77° 10' 0" W 12.45'

80' R/W
 HILLO ROAD
 APPARENT ILL

STONCEWAY WAY

THIS BLOCK RESERVED FOR THE CLERK
 OF THE SUPERIOR COURT

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 44-2-10, THIS SURVEY HAS BEEN PREPARED AND SURVEYED AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. WITH THESE AFFIRMATIONS AND APPROVALS, THE SURVEYOR CERTIFIES THAT THIS PLAT AS TO INTENDED USE OF ANY PARCEL GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS SURVEY MEETS ALL APPLICABLE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 44-2-10.

AS PER FLOOD INSURANCE RATE MAP OF FAVETTE COUNTY, GEORGIA, COMMUNITY FLOOD HAZARD ZONE, THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE, DATED 9-28-2008

CSWEC LEVEL II - 0000011282

NO. 2587
 WILLIAM E.
 PROFESSIONAL
 LAND SURVEYOR

GRAPHIC SCALE (IN FEET)

0 100 150 200

SURVEY

PETITION No (s): _____

STAFF USE ONLY

APPLICANT INFORMATION

Name NATHAN DOCKERY
Address 906 FOREMAN TRACE - SUITE 283
City NEWNAN
State GA Zip 30265
Email nathandockerygroup.com
Phone 770.789.7456

PROPERTY OWNER INFORMATION

Name JAVIER TORRES FERNANDEZ
Address 779 GALVESTON WAY
City MCDONOUGH
State GA Zip 30253
Email javier.torres2edelta.com
Phone 939-313-5076

AGENT(S) (if applicable)

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

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: _____ 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: _____

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, JAVIER TORRES FERNANDEZ 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 HILLO 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 10th day of November 2023

[Signature]
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

[Signature]

11-10-23



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:
JAVIER TORRES FERNANDEZ

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0512 059 & 0512 003

(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) 55 of the 5 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 2.88 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]
 Signature of Property Owner 1
779 Galveston way
 Address

[Signature]
 Signature of Notary Public
11-10-23
 Date



Signature of Property Owner 2
 Address

Signature of Notary Public
 Date

Signature of Property Owner 3
 Address

Signature of Notary Public
 Date

Signature of Authorized Agent
 Address

Signature of Notary Public
 Date

PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for all zoning being rezoned)

NAME: JAVIER TORRES FERNANDEZ

ADDRESS: 482 HILLO RD, FAYETTEVILLE, GA 0512 003 - PARCEL ID

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

JAVIER TORRES FERNANDEZ

I, JAVIER TORRES FERNANDEZ, affirm 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 Board of Commissioners to change the property from its present classification and tenders herewith the sum of 0.00 to cover all expenses of public hearing. He/She petitions the above named to change the classification to R20.

This property includes: (check one of the following)

- See attached legal description or 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 4th day of January 2024 at 1:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 25th day of JANUARY 2024 at 3:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____

[Signature]

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

[Signature] 11-10-23



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: JAVIER TORRES FERNANDEZ

ADDRESS: 482 HILO RD, FAYETTEVILLE, GA PARCEL 0512-059

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

JAVIER TORRES FERNANDEZ

_____ 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 R20

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 JANUARY, 20 24 at 7:00 P.M. 4th

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of JANUARY, 20 24 at 7:00 P.M. 25th

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____

[Signature]

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

[Signature]

11-10-23



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/DRR.

- 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 10th day of November, 2023.


APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: No Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0512 003 Acreage: 1.4 ac
Land District(s): 5 Land Lot(s): 55
Road Name/Frontage L.F.: 201.93 Road Classification: minor arterial
Existing Use: AG/RES Proposed Use: ~~R20~~ RESIDENTIAL
Structure(s): NA Type: - Size in SF: -
Existing Zoning: _____ Proposed Zoning: R20
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: PUBLIC Distance to Water Line: IN P.O.W. Distance to Hydrant: 400'

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0512 059 Acreage: 1.0
Land District(s): 5 Land Lot(s): 55
Road Name/Frontage L.F.: 133.84 Road Classification: minor arterial
Existing Use: AG/RES Proposed Use: RES
Structure(s): N/A Type: - Size in SF: -
Existing Zoning: _____ Proposed Zoning: R20
Existing Land Use: _____ Proposed Land Use: _____
Water Availability: PUBLIC Distance to Water Line: IN P.O.W. Distance to Hydrant: 400'

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: _____

Type: WD
Recorded: 7/14/2023 3:32:00 PM
Fee Amt: \$125.00 Page 1 of 3
Transfer Tax: \$100.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

After Recording Return To:

Wessels & Gerber, P.C.
51 Jefferson Pkwy
Newnan, GA 30263
Debbie Slater
Order No.: 23NN-00685

Participant ID(s): 2919636848,
7067927936

BK 5632 PG 611 - 613

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COWETA

THIS INDENTURE, made this 20th day of June, 2023, between Kathleen J. McElhinney and James Studdard, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Javier Antonio Torres Fernandez, as party or parties of the second part, hereinafter called Grantee.

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

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

See Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

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

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

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

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 20th day of June, 2023.

Signed, sealed and delivered in the presence of:

Deborah Powell
Unofficial Witness

Kathleen McElhinney (SEAL)
Kathleen McElhinney

[Signature]
Notary Public
My Commission Expires: 8/6/23

[Signature] (SEAL)
James Studdard

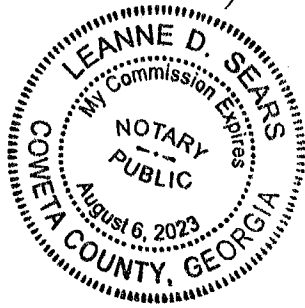


EXHIBIT "A"

All that tract or parcel of land lying and being Land Lot 55 of the 5th Land District of Fayette County, Georgia, and being more particularly shown as containing 2.40 acres on that plat of survey prepared for Kathleen J. McElhinney by William E. Burton, GLS No. 2567, dated June 1, 2023, and recorded at Plat Book 52, Page 127, Fayette County, Georgia records, which plat is hereby incorporated herein and made a part hereof by reference.

Parcel No.: 0512 003 and 0512 059

To: Fayette Daily News
From: Fayette County Planning and Zoning
Date: December 12, 2023
Subject: Legal Ad to Run

Petition No: 1337-23
Legal Ad to Run: December 20, 2023

Billing Address: Fayette County Planning & Zoning Department
140 Stonewall Avenue West
Suite 202
Fayetteville, GA 30214

Petition No: 1337-23

Ad to Run: December 20, 2023

**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, January 4, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, January 25, 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.:	1337-23
Owner/Agent:	Javier T. Fernandez/Nathan Dockery
Existing Zoning District:	A-R
Proposed Zoning District:	R-20
Parcel Number:	0512003
Area of Property:	1.4 & 1.0
Proposed Use:	R-20
Land Lot(s)/District:	55 of the 5 th District
Fronts on:	Hilo Road

Legal Description:

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Parcel no.: 0512 003 and 0512 059