

BOARD MEMBERS

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

STAFF

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

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

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on February 1, 2024
5. Approval of Minor Final Plat for Sterling Ridge

PUBLIC HEARING

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

Meeting Minutes 02/01/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

NEW BUSINESS

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

PUBLIC HEARING

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

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

RECOMMENDED CONDITIONS

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

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

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

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

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

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

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

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

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

Mr. Culbreth asks if anyone else is opposed.

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

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

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

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

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

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

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

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

RECOMMENDED CONDITIONS

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

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

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

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

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

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

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

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

Next speaker against.

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

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

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

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

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

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

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

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

Yes, it does, Danny England stated.

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

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

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

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

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

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

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

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

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

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

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

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

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDED CONDITIONS

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

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

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

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

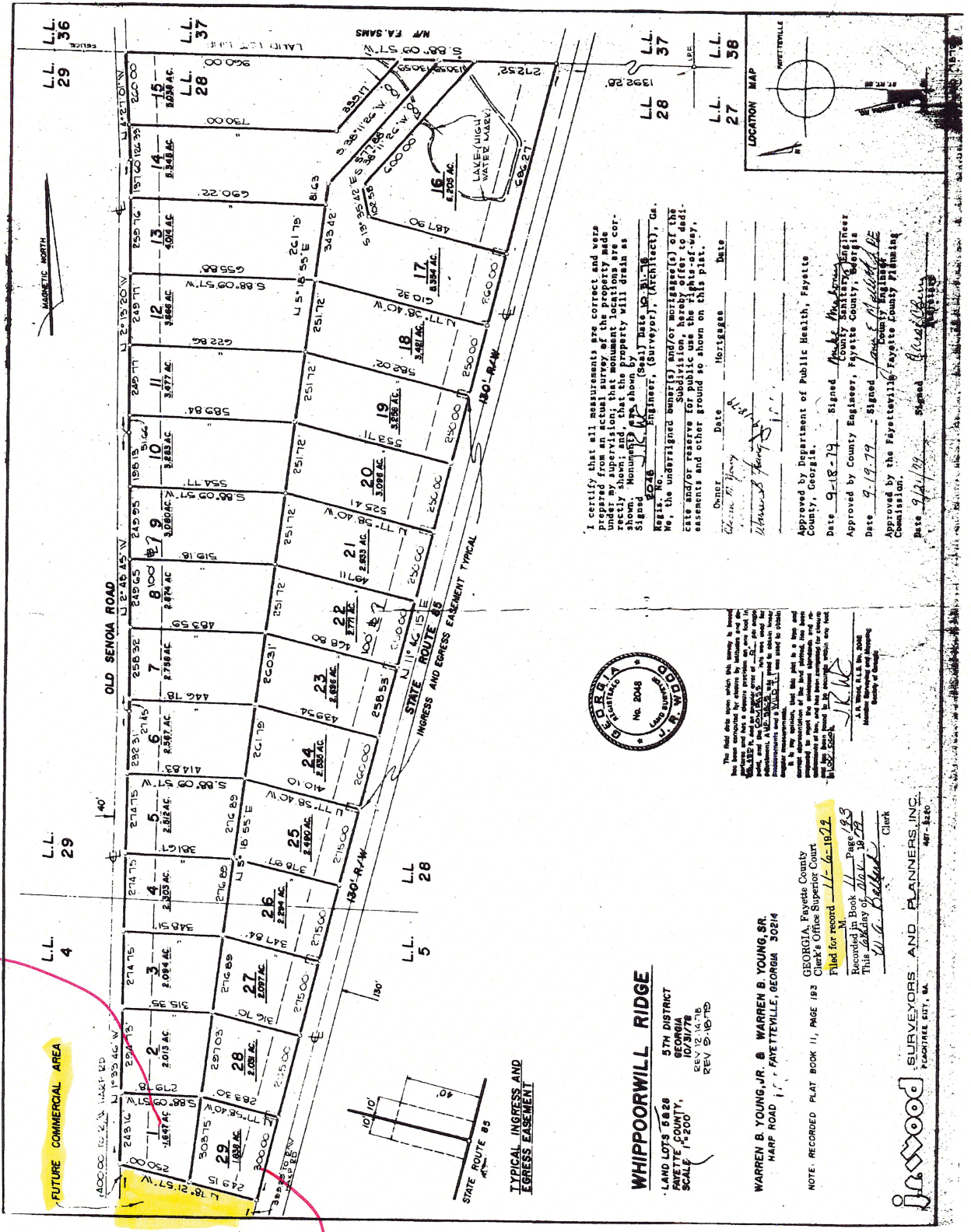
527 Old Senoia Rd 1979 511 Old Senoia Rd 1977 Lemon's Land 2014

Rebecca Lakes
1993-2004

1984

1987

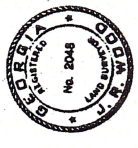
125 Jones Ct. 1995
130 Jenny Lane
1996



I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision, that monument locations are correctly shown, and that the area of the property will drain as shown. Monument locations shown by dashed lines.

Signed: *Warren B. Young, Jr.* Engineer, (Surveyor), (Architect), G.
 Date: 9-18-79

Approved by the Department of Public Health, Fayette County, Georgia.
 Date: 9-18-79
 Approved by County Engineer, Fayette County, Georgia.
 Date: 9-19-79
 Approved by the Fayetteville Planning Commission.
 Date: 9-19-79



The field data upon which this plat is based has been determined to be correct by the Surveyor, and the Surveyor is not responsible for the accuracy of the information shown on this plat. The Surveyor is not responsible for the accuracy of the information shown on this plat.

WHIPPOORWILL RIDGE
 LAND LOTS 6 & 28
 5TH DISTRICT
 FAYETTE COUNTY,
 GEORGIA
 SCALE 1"=200'
 REV 12/14/78
 REV 8-18-79

WARREN B. YOUNG, JR. & WARREN B. YOUNG, SR.
 HARP ROAD
 FAYETTEVILLE, GEORGIA 30214

NOTE: RECORDED PLAT BOOK 11, PAGE 193
 GEORGIA, Fayette County
 Clerk's Office Superior Court
 Filed for Record 11-6-1979
 Recorded in Book 11 Page 193
 This plat is a part of the
 Survey of *Whipoorwill Ridge*
 by *Warren B. Young, Jr.*
 Licensed Professional Engineer and Surveyor

J. Wood SURVEYORS AND PLANNERS, INC.
 FAYETTEVILLE, GA.
 487-8220

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

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

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

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

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

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

Next speaker against.

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

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

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

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

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

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

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

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

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

Thank you, sir.

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

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

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

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

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

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"
John Krusan made a motion to deny Petition 1340-24. Danny England seconded the motion. The motion to recommend denial passed 5-0.

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

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

RECOMMENDED CONDITIONS

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

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

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

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

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

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

Mr. Culbreth, discussion?

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

ADJOURNMENT:

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

The meeting adjourned at 8:55 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN**

ATTEST:

**CHRISTINA BARKER
PLANNING COMMISSION SECRETARY**

OATH OF OFFICE


**STATE OF GEORGIA
COUNTY OF FAYETTE**

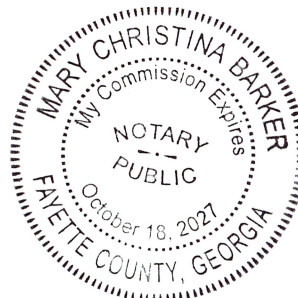
I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform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

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


Boris Thomas


Witness


Notary Public



PETITION NO: 1344-24

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

PARCEL NUMBER: 0550 061

PROPOSED USE: Single-Family Residential

EXISTING USE: Agricultural/Residential

LOCATION: 434 Kenwood Road/Longview Road

DISTRICT/LAND LOT(S): 5th District, Land Lot 230

ACREAGE: 41.10 acres

OWNER(S): Stephen Willoughby Homes, LLC

AGENT: Richard P. Lindsey, Attorney

PLANNING COMMISSION PUBLIC HEARING: March 7, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: March 28, 2024

APPLICANT'S INTENT

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

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-40 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-40, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Kenwood Road. The corner at the intersection of Kenwood Road and Longview Road shall be chamfered 20 feet along tangent legs.
2. Longview Road is a collector on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 40 feet of right-of-way as measured from the

existing centerline of Longview Road.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.
4. The development shall have no more than eight (8) homes with direct road frontage onto Kenwood Road and Longview Road.
5. Any new road constructed to access lots shall be built with a deceleration lane and acceleration taper per the Fayette County Entrance and Striping Detail.
6. Development shall provide a 30-foot access easement from interior street to the right-of-way on Kenwood Road.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

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

This property is not located in an overlay zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

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

B. SURROUNDING ZONING AND USES

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

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

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

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 does conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

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

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

E. DEPARTMENTAL COMMENTS

- Water System** - Fayette County Water System currently has water available along Kenwood Rd. Fayette County Water System may require water main extension along Longview Rd. at the developer's expense.
- Public Works/Engineering**
 - Road Frontage & Right of Way Dedication
 - Kenwood Road is a minor arterial on the Fayette County Thoroughfare Plan.
 - Longview Road is a collector on the Fayette County Thoroughfare Plan.
 - **Traffic Data** - According to GDOT on-line traffic data, the annual average daily traffic for Kenwood Road is 3,330 vehicles per day. There is no traffic data for Longview Road.
 - Under A-R zoning, a development of 8 homes would generate approximately 76 trips per day (a 2.3% increase if all the traffic were on Kenwood Road). With R-40 zoning, a development of 29 homes (assuming 30% of the land used for roads, stormwater, etc.) would generate approximately 276 trips per day (an 8.3% increase). This value is based on the theoretical number of homes that could be built under the existing A-R zoning.
- Environmental Management** - No objections.
 - **Floodplain Management** -- The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0039E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
 - **Watershed Protection** -- There **ARE** state waters located on the subject property and the development **WILL BE** subject to the Fayette County Watershed Protection Ordinance.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management

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

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

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

STANDARDS

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

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

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

STAFF ANALYSIS

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

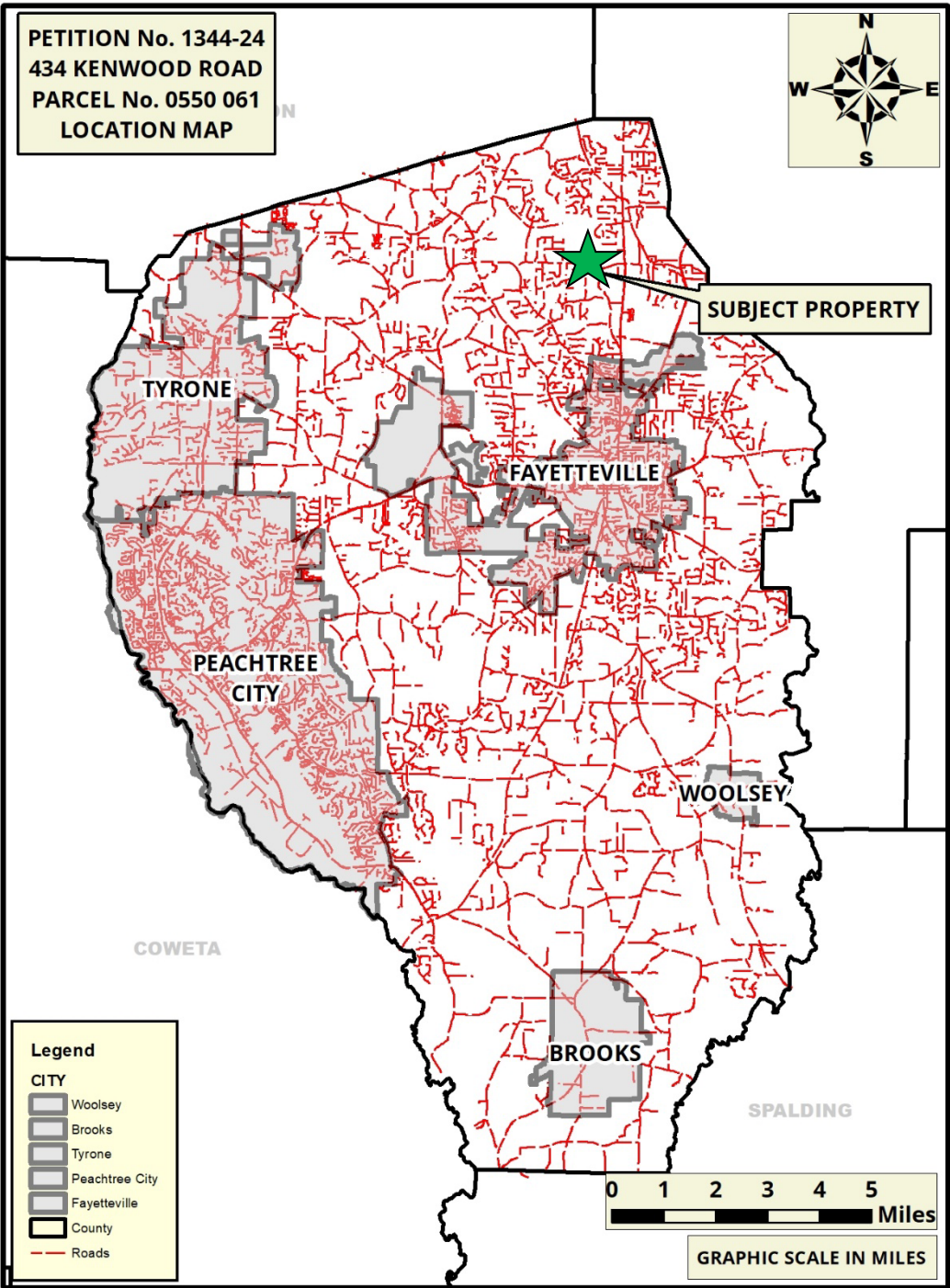
ZONING DISTRICT STANDARDS

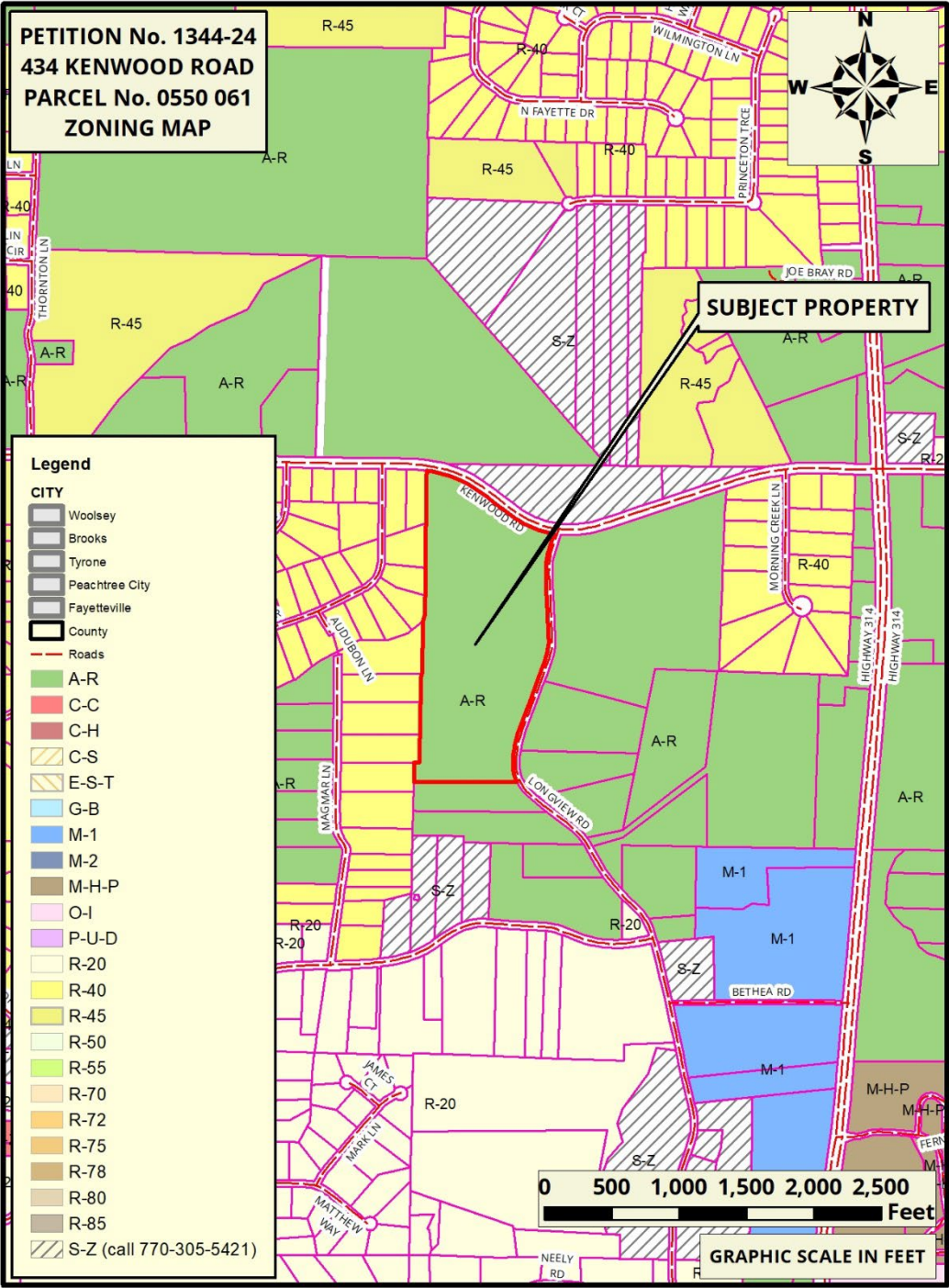
Sec. 110-137. R-40, Single-Family Residential District.

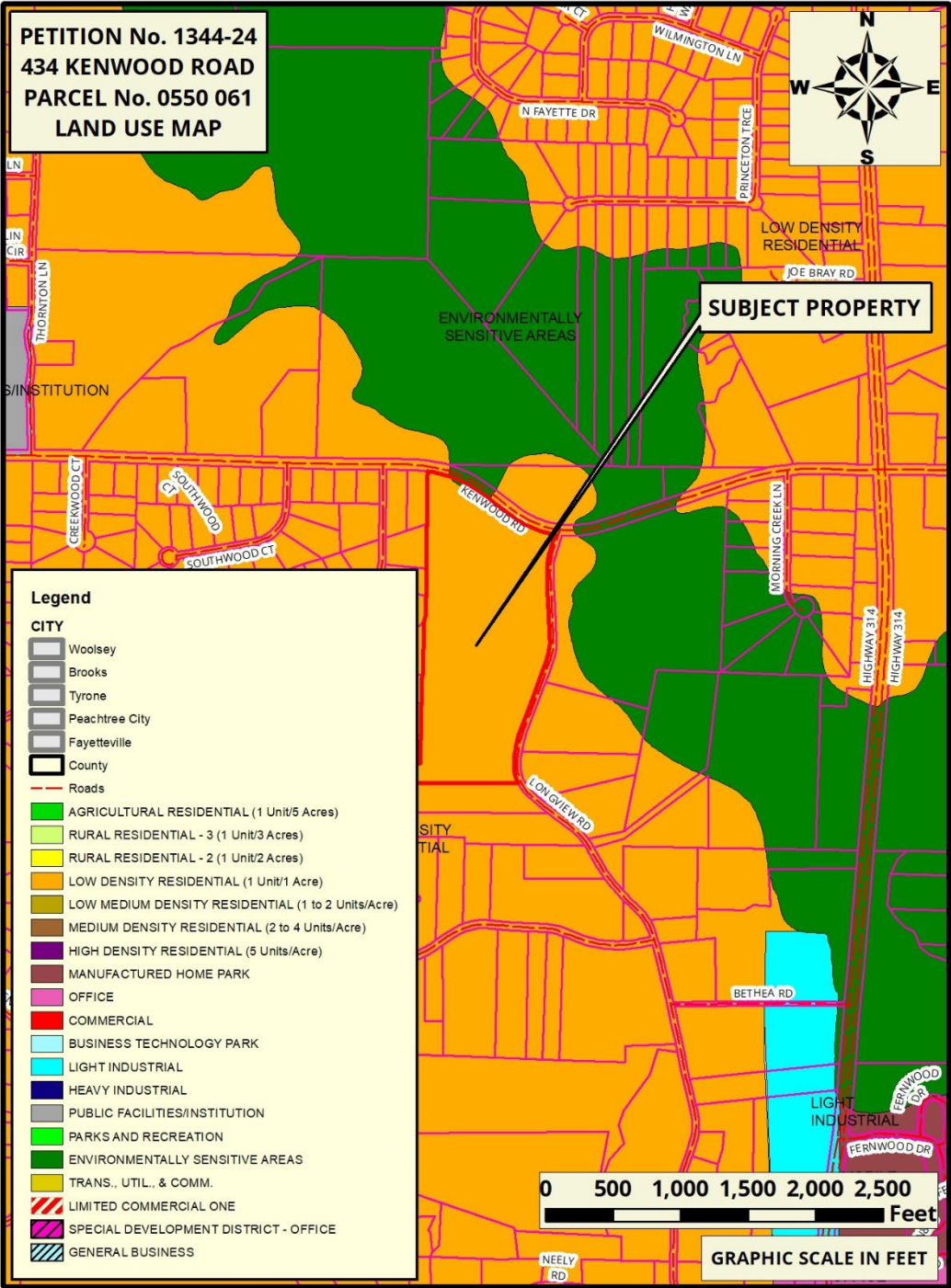
- (a) *Description of district.* This district is composed of certain lands and structures in the county, having a low density single-family residential character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.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

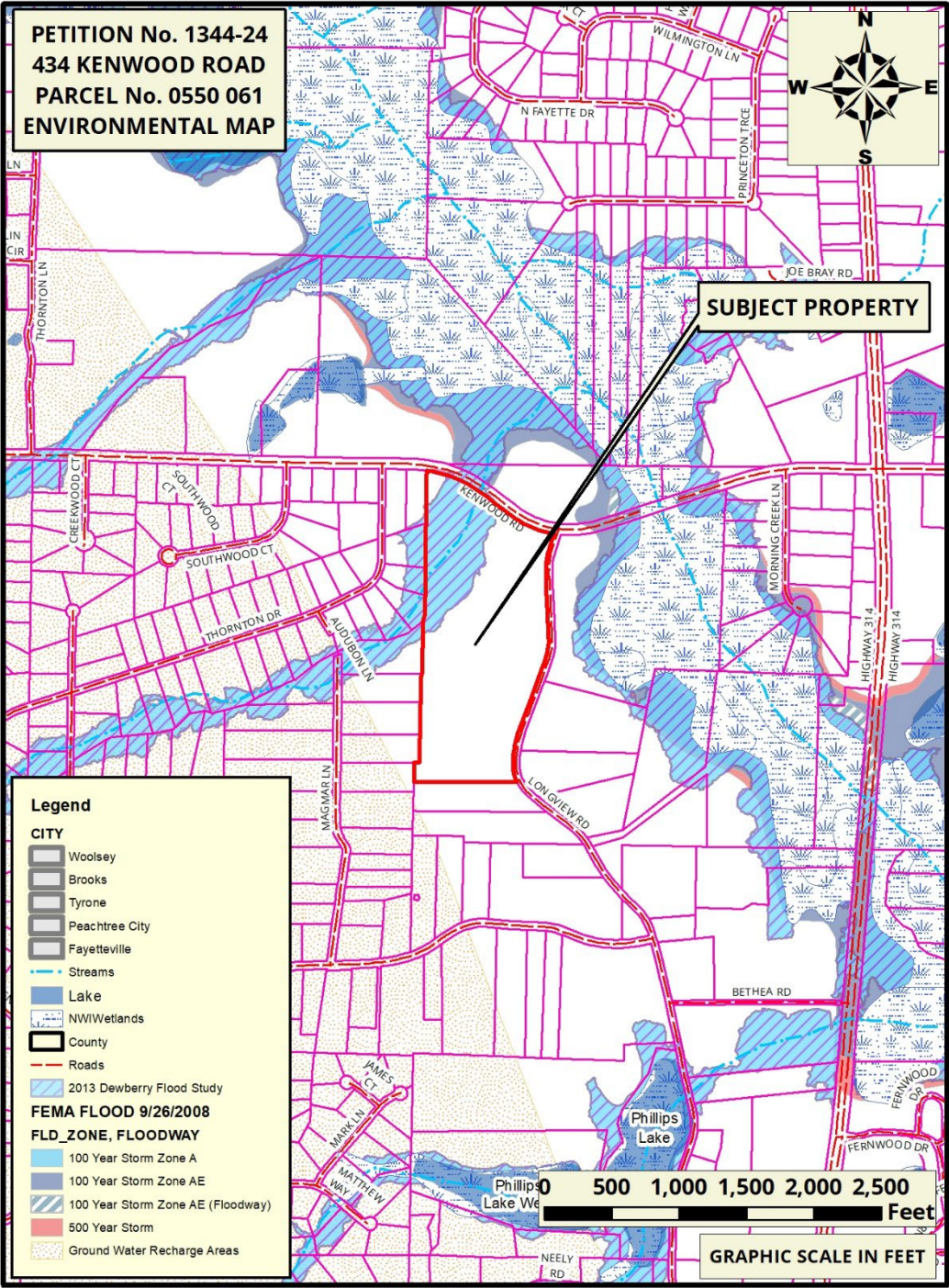
- 2. Collector: 60 feet.
- b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.
- (7) Height limit: 35 feet.

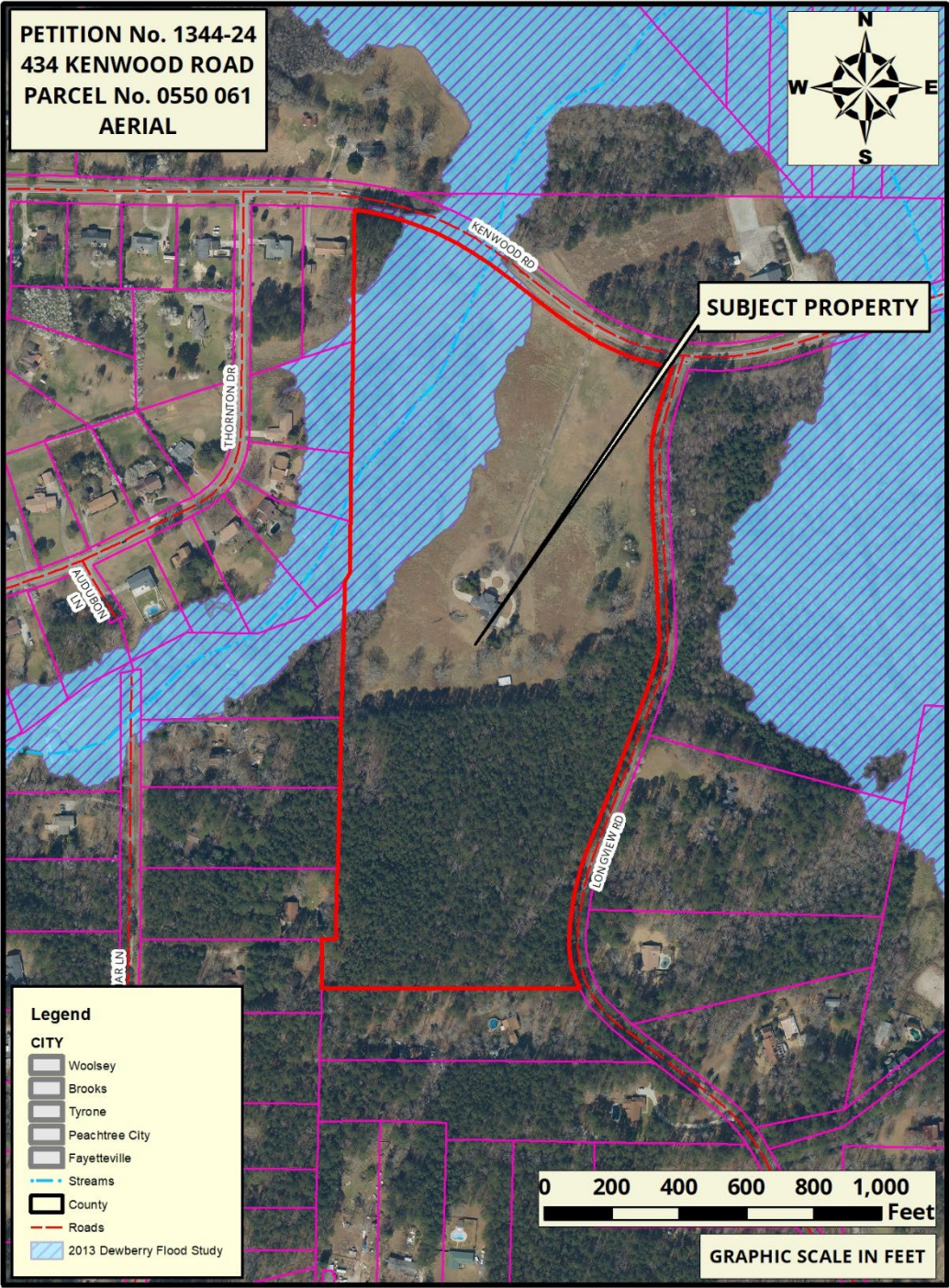
(Code 1992, § 20-6-13; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

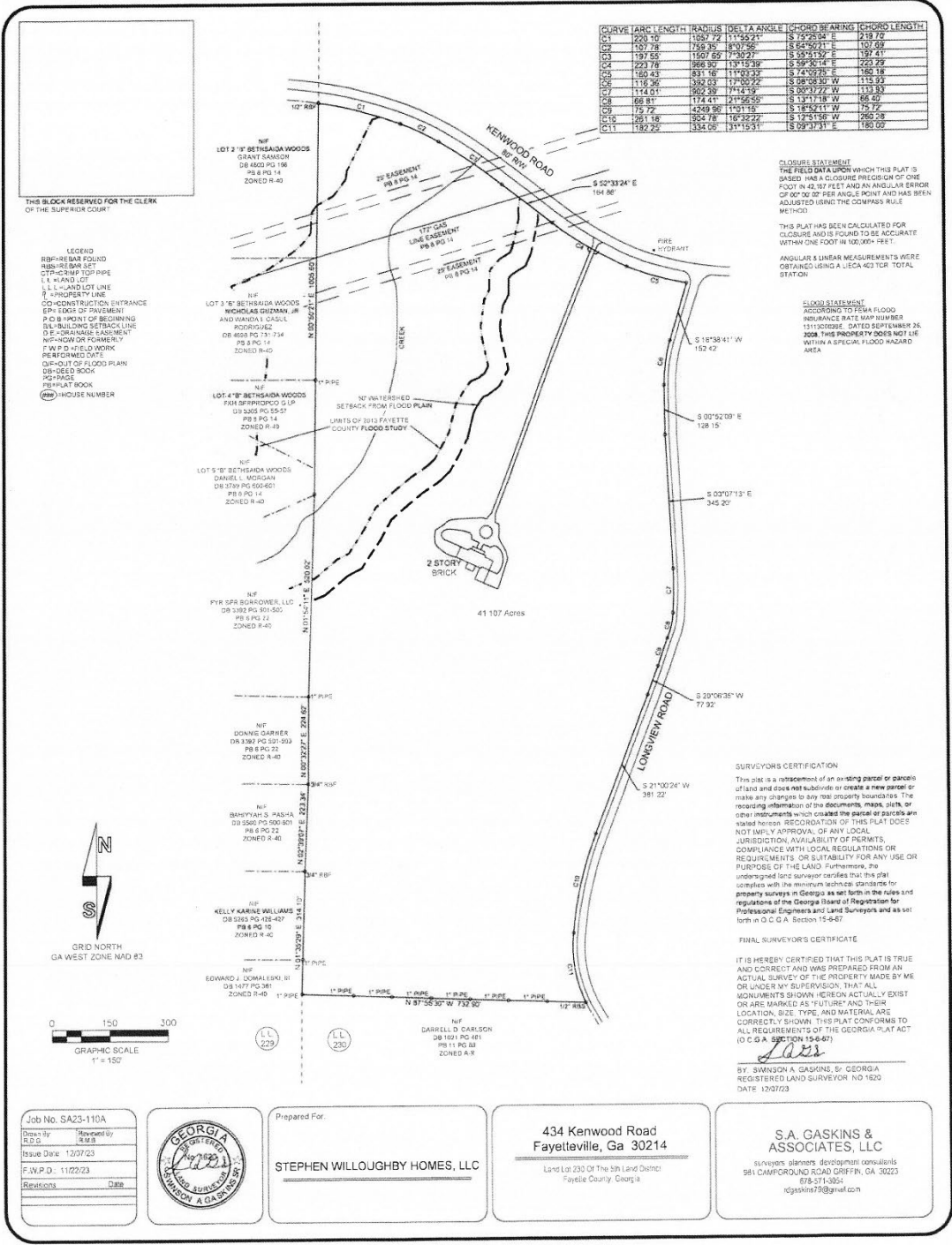












PETITION No (s): 1344-2A
STAFF USE ONLY

APPLICANT INFORMATION

Name Stephen Willoughby Homes, LLC
Address 3602 Highlands Pkwy, Bldg 1
City Smyrna
State Georgia Zip 30082
Email lsfwilloughby@gmail.com
Phone (404) 729-1529 & (404) 729-1587

PROPERTY OWNER INFORMATION

Name STEPHEN WILLOUGHBY HOMES, LLC
Address 3602 Highlands Pkwy, Bldg 1
City Smyrna
State Georgia Zip 30082
Email lsfwilloughby@gmail.com
Phone (404) 729-1529 & (404) 729-1587

AGENT(S) (if applicable)

Name Richard P. Lindsey
Address 200 Westpark Dr. Ste 280
City Peachtree City
State GA Zip 30269
Email rick@llptc.com
Phone (770) 486-8445

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

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

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

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

Date Paid: 1/8/2024

Receipt Number: 19964

PETITION No.: 1344-24 Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:
STEPHEN WILLOUGHBY HOMES, LLC

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0550 061 _____

(I am} (we are} the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 230 of the 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 41.10 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith}.

(I} (We} hereby delegate authority to Richard P. Lindsey and the law firm of Lindsey & Lacy, PC to act as (my} (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

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

Zutrick Reddaway
 Signature of Property Owner 1
 3602 Highlands Pkwy, Bldg 1, Smyrna, GA 30082
 Address

Signature of Property Owner 2
 Address

Signature of Property Owner 3
 Address

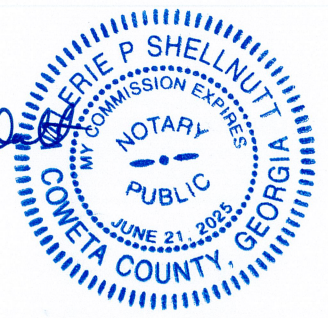
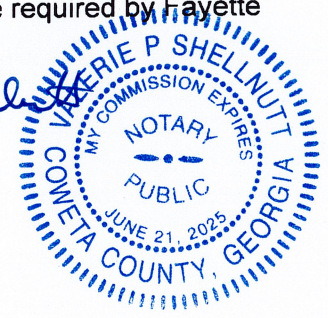
Richard P. Lindsey
 Signature of Authorized Agent
 Address 200 Westpark Dr, Ste 280, PTC

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

Signature of Notary Public
 Date

Signature of Notary Public
 Date

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



PETITION No.: 1344-24

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: Stephen Willoughby Homes, LLC _____

ADDRESS: 3602 Highlands Pkwy, Bldg 1, Smyrna, GA 30082 _____

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

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

This property includes: (check one of the following)

- 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 March, 2024 at 7:00 P.M.

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5th DAY OF January 2024

Stephen Willoughby
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC *Valerie P. Shellnutt*
1/5/2024



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Stephen Willoughby Homes, LLC said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Kenwood Road and Longview Road as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 5th day of January, 2024.

Stephen Willoughby
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

Valerie P. Shell
1/5/2024

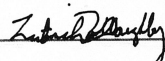


DEVELOPMENTS OF REGIONAL IMPACT (ORI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
8. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.
- 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 5th day of January, 2024



APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions:

No

Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

Letter of Intent

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

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

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

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

①



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

BK 5656 PG 719-720

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

TAX PARCEL ID: 0650 061

Order.No.: 23-1151-JOY

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

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

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

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

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

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

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

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

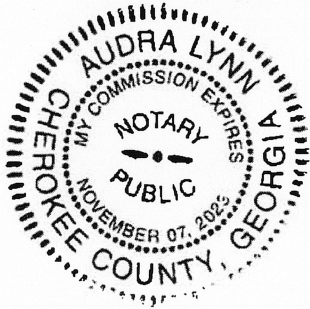
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has executed this instrument by and through its duly authorized Member(s) and/or Manager(s) with the Corporate Seal affixed thereto on this 10th day of September, 2023.

Signed, sealed and delivered in the presence of:

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

TASZ PROPERTIES, LLC
BY: [Signature] (SEAL)
LELAND WAYNE
MANAGER



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

FAYETTE COUNTY

PETITION FOR REZONING CERTAIN PROPERTIES IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, March 7, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, March 28, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

Existing Zoning District:
A-R

Proposed Zoning District:
R-40

Parcel Number: 0550061
Area of Property: 41.10 acres
Proposed Use: R-70

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

Fronts on: 434 Kenwood Road/ Longview Road

PROPERTY DESCRIPTION

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

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

709.35 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD; RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HOPEWELL KENWOOD ROAD AND FOLLOWING THE CURVATURE THEREOF, 1,062.84 FEET TO A POINT LOCATED ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF OLD NATIONAL OR HIGHWAY 314, NOW LONGVIEW ROAD AND THE POINT OF BEGINNING; SAID TRACT CONTAINING 41.10 ACRES, ALL AS SHOWN ON PLAT OF SURVEY FOR DR. FORD, DATED MAY 20, 1982 AS PREPARED BY C. E. LEE REGISTERED LAND SURVEYOR.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.
02/21

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

- LEGEND**
- RBF=REBAR FOUND
 - RBS=REBAR SET
 - CTP=CRIMP TOP PIPE
 - L L=LAND LOT
 - L L L=LAND LOT LINE
 - Q=PROPERTY LINE
 - CO=CONSTRUCTION ENTRANCE
 - EP=EDGE OF PAVEMENT
 - P O B=POINT OF BEGINNING
 - B L=BUILDING SETBACK LINE
 - D E=DRAINAGE EASEMENT
 - N F=NWQW FORMERLY
 - F W P D=FIELD WORK PERFORMED DATE
 - DK=OUT OF FLOOD PLAN
 - DB=DEED BOOK
 - PG=PAGE
 - PR=PLAT BOOK
 - (##)=HOUSE NUMBER

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|----------|-------------|---------------|--------------|
| C1 | 220.10' | 1057.72' | 11°55'21" | S 75°25'04" E | 218.70' |
| C2 | 107.78' | 759.35' | 8°07'56" | S 64°50'21" E | 107.69' |
| C3 | 197.55' | 1507.65' | 7°30'27" | S 55°51'52" E | 197.41' |
| C4 | 223.78' | 966.90' | 13°15'39" | S 59°30'14" E | 223.79' |
| C5 | 160.43' | 831.16' | 11°03'33" | S 74°09'25" E | 160.18' |
| C6 | 115.36' | 392.03' | 17°00'22" | S 08°08'30" W | 115.93' |
| C7 | 114.01' | 902.39' | 11°41'19" | S 00°37'22" W | 113.93' |
| C8 | 66.81' | 174.41' | 21°56'55" | S 13°17'18" W | 66.40' |
| C9 | 75.72' | 4249.96' | 1°01'15" | S 18°52'11" W | 75.72' |
| C10 | 261.16' | 904.78' | 16°32'22" | S 12°51'56" W | 260.28' |
| C11 | 182.25' | 334.06' | 31°15'31" | S 09°31'31" E | 180.00' |

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

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

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

FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 1311300303E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

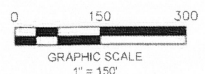
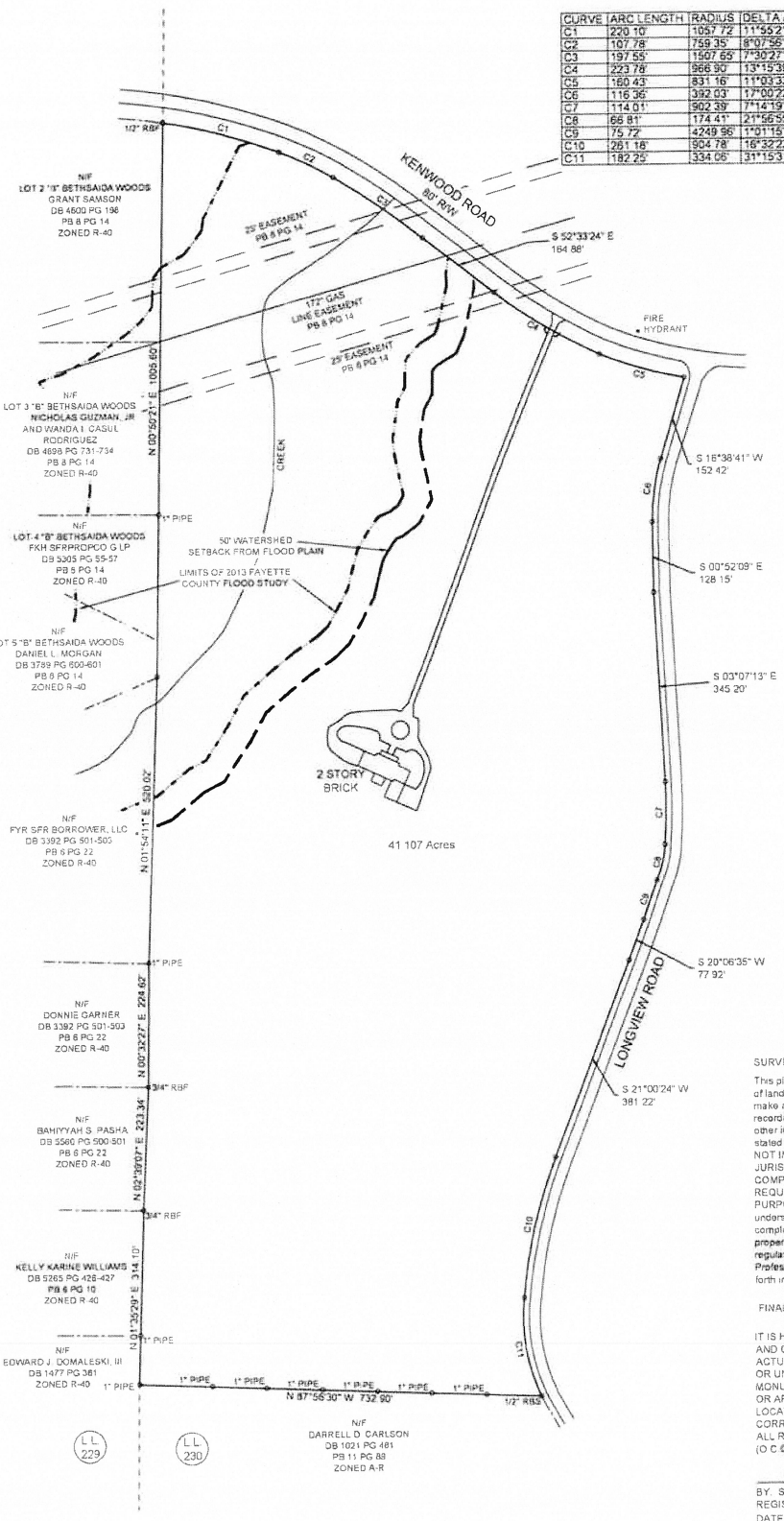
SURVEYORS CERTIFICATION

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

FINAL SURVEYOR'S CERTIFICATE

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

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



| | |
|---------------------|-----------------------|
| Job No. SA23-110A | |
| Drawn by R.D.G. | Reviewed by S.M.B. |
| Issue Date 12/07/23 | |
| F.W.P.D.: 11/22/23 | |
| Revisions | Date |
| | |



Prepared For:
STEPHEN WILLOUGHBY HOMES, LLC

434 Kenwood Road
 Fayetteville, Ga 30214
 Land Lot 230 Of The 5th Land District
 Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
 surveyors/planners/developmental consultants
 981 CAMPGROUND ROAD GRIFFIN, GA 30223
 678-571-3054
 rdgaskins79@gmail.com