Print Form

COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Pete Frisina

Preferred Meeting Date: 11/13/2008

Wording for the Agenda:

Consideration of Petition No. 1212-08, J. Neil and T. Kay Davis, Owners/Agents, request to rezone 4.437 acres from C-C Conditional to C-C to lift the current conditions; also to use the Old Mill structure as a corn grist mill in its historical context; and to allow the uses in the C-C Zoning District; and consideration of Petition No. Revised Plat-043-08 to change the use of Lot 1 of Crystal Lake Estates.

Background/History/Details:

Consists of 2.334 acres (part of the 4.437 acres) from a single-family dwelling to the uses allowed in the C-C Zoning District. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West and Old Mill Court.
Petition No. 608-87 was approved by the B.O.C. on February 26, 1987, to rezone the subject property from C-C Conditional to C-C Conditional for the purpose of converting an old mill structure into a restaurant/retail special shop and erecting a single-family dwelling subject to 12 conditions. (Uses restricted to special retail shops categorized as arts and/or crafts, a restaurant, and a single-family detached residence. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling.)
The Board of Commissioners tabled this rezoning to the November 13, 2008 BOC meeting per the Petitioners' request at the 10/23/2008 Board meeting because of the lack of a full five member Board.

What action are you seeking from the Board of Commissioners?

Consideration for a vote on this request.
The P.C. recommended approval subject to recommended condition #1. being amended to exclude more uses and recommended conditions #2. and #3. as submitted by Staff (3-2). No action was taken on RP-043based on recommended condition #3 which maintains the use of single-family dwelling on Lot 1 of Crystal Lake Estates.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? February 26, 1987

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Thursday, October 23, 2008

- ○ Recognition/ Presentation
- ◉ Public Hearing
- ○ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1212-08 and RP-043-08

APPLICANT: J. Neil and T. Kay Davis
1095 S.R. 54 West, Fayetteville, Ga 30214

STAFF RECOMMENDATION: **APPROVE WITH THREE (3) RECOMMENDED CONDITIONS**

PLANNING COMMISSION HEARING: October 2, 2008

PLANNING COMMISSION RECOMMENDATION: **APPROVE 3-2 SUBJECT TO CONDITIONS #1. AND #2. AND REVISED CONDTION #1. TO ADD EXCLUDED USES (RP-043-08 IS A MOOT POINT BASED ON THE VOTE OF 1212-08.**

BOARD OF COMMISSIONERS HEARING: October 23, 2008

COMMISSION DECISION: _____

REQUEST: Request to rezone 4.437 acres from C-C Conditional to C-C to alleviate the current conditions; to use the Old Mill structure for a corn grist mill; and to allow the uses in the C-C Zoning District. To change the use of Lot 1 of Crystal Lake Estates consisting of 2.334 acres (part of the 4.437 acres) from a single-family dwelling to the uses allowed in the C-C Zoning District.

PARCEL SIZE: 4.437 acres

EXISTING USE: Restaurant (currently closed), parking lot drainfield lines, and distribution box

PROPOSED USE: Alleviate the current conditions; to also use the Old Mill structure for a corn grist mill; and to allow the uses in the C-C Zoning District. To change the use of Lot 1 of Crystal Lake Estates from a single-family dwelling to the uses allowed in the C-C Zoning District.

LOCATION: Land Lot 127 of the 5th District and fronts on S.R. 54 West and Old Mill Court

ZONING OF SURROUNDING PROPERTY: R-70, O-I, A-R, C-H, and R-40

LAND USE PATTERN: Low Density Residential 1 unit/1 to 2 acres and S.R. 54 West Overlay and Conservation Areas

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Tim Thoms made a motion to recommend approval of the petition as C-C Conditional with recommended conditions #2 and #3 as submitted and recommended condition #1 being amended as follows:

1. Any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters due to the location of the property and the structure in the floodway/floodplain shall be prohibited. These uses include: Appliance sales and repair, etc., Auto parts and Tire store, retail, College, University, including Dormitory and Fraternity or Sorority house when located on main campus, Parking garage, School, Taxidermist, Adult Day Care Facility, Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic, Automobile Service Station, including gasoline sales in conjunction with a Convenience Store, Campground Facilities, Care Home, Convalescent Center or Nursing Home, Day Care Facility (Nursery School or Kindergarten), Dry Cleaning Plant, Fraternities and/or Sororities, Hospital, Kennel (See Animal Hospital, etc.), Laundromat, Self-Service or Otherwise. *(This condition is to ensure the protection of the health, safety, and welfare of the public and to ensure protection for Whitewater Creek as a drinking water source.)*

2. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1. *(This condition is to provide control with commercial traffic intermingling with residential traffic. Old Mill Court is classified as an Internal Local (interior subdivision street) and should not be accessed by nonresidential traffic.)*

3. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling. *(This condition is to assist in the retention of the residential character of Crystal Lake Estates Subdivision.)*

Al Gilbert seconded the motion. The motion recommending approval with conditions passed 3-2 with Chairman Powell and Jim Graw voting in opposition.

REASON(S) FOR RECOMMENDATION:

Applicant is requesting to alleviate the current conditions. The subject property has been zoned C-C since November 11, 1983.

PLANNING COMMISSION RECOMMENDATION

DATE: October 2, 2008

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1212-08, the application of J. Neil and T. Kay Davis to rezone 4.437 acres from C-C Conditional to C-C, be:

X Approved _____ Withdrawn _____ Disapproved

3-7 Tabled until _____

This is forwarded to you for final action.

Douglas L. Powell NO
DOUGLAS L. POWELL, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

TIM THOMS

Jim E. Graw NO
JIM GRAW

Remarks:

_____

_____

_____

Fayette County
GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: October 9, 2008

Subject: Board of Commissioners Public Hearing, October 23, 2008

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the rezoning applications and the revised final plat applications scheduled for public hearing on October 23, 2008.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1211-08	S.R. 54 West/ O-I Uses	**DENY**	**DENY 5-0**
1-2	1212-08 and RP-043-08	S.R. 54 West and Old Mill Court/C-C Uses and Change the use of Lot 1 of Crystal Lake Estates from Single-Family Dwelling to C-C Uses	**APPROVE WITH THREE (3) CONDITIONS**	**APPROVE 3-2 WITH THREE (3) CONDITIONS #1 MODIFIED BY PC #2 AND #3 AS SUBMITTED BY STAFF RP-043-08 MOOT**

DSD/rsw

cc: Peter A. Frisina, Director of Community Development
Tom Williams, Assistant Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

PETITION NO: 1212-08

REQUESTED ACTION: C-C Conditional (Community Commercial Conditional) to C-C (Community Commercial) to alleviate the current conditions; to also use the Old Mill structure for a corn grist mill; and to allow the uses in the C-C Zoning District

PETITION NO: RP-043-08

REQUESTED ACTION: Change the use of Lot 1 of Crystal Lake Estates consisting of 2.334 acres from a single-family dwelling (the only building allowable per condition of zoning) to uses allowed in the C-C Zoning District

EXISTING USE: Restaurant (currently closed), parking lot, drainfield lines, and distribution box

LOCATION: S.R. 54 West and Old Mill Court

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 127

OWNER: J. Neil and T. Kay Davis

APPLICANT: Same

PLANNING COMMISSION PUBLIC HEARING: October 2, 2008

BOARD OF COMMISSIONERS PUBLIC HEARING: October 23, 2008

APPLICANT'S INTENT

The applicant proposes to alleviate the current conditions; to also use the Old Mill structure for a corn grist mill; and to allow the uses in the C-C Zoning District on 4.437 acres consisting of one (1) lot.

The applicant proposes to change the use of Lot 1 of Crystal Lake Estates consisting of 2.334 acres (part of the 4.437 acres) from a single-family dwelling to uses allowed in the C-C Zoning District.

STAFF RECOMMENDATION

APPROVE WITH THREE (3) CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is a 4.437 acre tract fronting on S.R. 54 West in Land Lot(s) 127 of the 5th District. S.R. 54 West is classified as a Major Arterial (major thoroughfare) and Old Mill Court is classified as an Internal Local (minor thoroughfare) on the Fayette County Thoroughfare Plan. The subject property contains a grist mill which has been used as a restaurant (currently closed), parking lot, drain field lines, and distribution box and is currently zoned C-C Conditional. A Quit Claim deed recorded on February 21, 1991, combined the two original lots (2.103 acres and 2.334 acres) into one lot (4.437 acres).

History:

Petition No. 476-83 was approved by the B.O.C. on November 28, 1983, to rezone 2.1 acres (lot containing the Old Mill structure) from R-70 to C-C to develop a historical restaurant.

Petition No. 486-83 was approved by the B.O.C. on February 9, 1984, to rezone 2.00 acres (Lot 1 of Crystal Lake Estates) from R-70 to C-C for the purpose of developing additional parking and underground septic tank field lines for the proposed historical restaurant consisting of 2.1 acres subject to the following condition: The developer's buffering the lot so that adjacent subdivision residents would not see the parking lot and on the developer's using decorative landscaping.

Petition No. 588-86 (4.437 acres) was denied by the B.O.C. on August 14, 1986, to rezone the subject property from C-C Conditional to C-C Conditional for the purpose of developing a residence and novelty shop.

Petition No. 608-87 (4.437 acres) was approved by the B.O.C. on February 26, 1987, to rezone the subject property from C-C Conditional to C-C Conditional for the purpose of converting an old mill structure into a restaurant/retail specialty shop and erecting a single-family dwelling subject to the following conditions:

1. That use of the subject property be restricted to specialty retail shops categorized as arts and/or crafts, a restaurant, and a single-family detached residence.

2. That the exterior materials of the house shall be the same as those comprising the mill.

3. That the exterior appearance of the old mill building shall not be changed except for the addition of the proposed porch.

4. To observe the Georgia D.O.T. proposed right-of-way which has been identified for future widening of S.R. 54 as the front property line for determining all measurements and dimensional requirements.

5. To provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire fighting equipment as required by the Fayette County Fire Department.

6. To provide off-street parking on the property during the entire construction period.

7. That the light source from any exterior illumination device shall not be directly visible along any adjoining residential property line.

8. That the design and location of signs proposed for the property shall be approved by the Planning Commission.

9. That in accordance with the condition volunteered by the previous owner, the owner agrees that the block building on the property which is known as the "Pink Palace" shall be demolished and removed prior to the issuance of any development related permits by the County.

10. That the buffer adjoining Lot 2, Crystal Lake Subdivision shall be a minimum of 50 feet and shall be improved with a planted screen at least six (6) feet tall.

11. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1.

12. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling.

B. SURROUNDING ZONING AND USES

The general situation is a 4.437 acre tract that is zoned C-C Conditional. In the vicinity of the subject property is land which is zoned R-70, O-I, A-R, C-H, and R-40. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North		R-70	Lake Bennett	Conservation Areas
		R-70	Single-Family Residential Subdivision (Crystal Lake Estates)	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone and Conservation Areas
South (across S.R. 54 West)	3.56	O-I	Vacant	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone and Conservation Areas
	1.29	A-R	Vacant (owned by GDOT)	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone and Conservation Areas
	2.00	C-H	Building	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone and Conservation Areas
	10.00	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone
East (across Old Mill Drive)		R-40	Single-Family Residential Subdivision (Lakeview Estates)	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone
West	2.469	R-70 (See Petition No. 1211-08 from R-70 to O-I)	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres) and the S.R. 54 West Overlay Zone and Conservation Areas

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential 1 unit/1 to 2 acres, Conservation Areas (environmentally sensitive areas, containing waterways, watershed protection areas, flood plains, poor soils and steep slopes) and S.R. 54 West Overlay. This request does not conform to the Fayette County Comprehensive Plan. However, the subject property was originally rezoned to C-C in 1983 (476-83 and 486-83) and has been developed and used in a commercial manner since that time.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone C-C Conditional from to C-C for the purpose of alleviating the current conditions and to also use of the Old Mill structure for a corn grist mill.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
C-C (zoning district)	F - 100' Arterial F - 75' Collector F - 65' Minor S - 15' R - 15'	1 Acre* 0.5 Acre**	N/A	125'	50' required adjacent to residential or A-R zoning districts

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

Current Conditions of Zoning

The applicant is requesting that the conditions placed on the subject property under Petition No. 608-87 be removed. The following is a discussion of those conditions.

1. That use of the subject property be restricted to specialty retail shops categorized as arts and/or crafts, a restaurant, and a single-family detached residence.

This rezoning took place during a period when conditions narrowly restricting the allowed uses within a nonresidential zoning district were routinely placed on property. Due to the difficulty of administering these types of conditions Staff has not been in the practice of recommending conditions to control specific uses on a piece of property for some time. For example, a section of this condition restricts the property to "specialty retail shops categorized as arts and/or crafts" which leaves Staff with the difficult task of determining exactly what are "arts and/or crafts." Arts and Crafts refer to a period in time between the late 1800s and 1920s when one-of-a-kind items were handmade as opposed to mass produced identical items. In today's terms "arts and crafts" more generally refers to activities and hobbies that are related to making items by hand. However, due to the location of the property and the structure in the floodway/floodplain, any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters shall be prohibited (See Engineering Comments). Such uses shall include Adult Day Care, Day Care Facilities (Nursery School or Kindergarten), Care Home, Convalescent Center or Nursing Home, Automobile Service Station, including gasoline sales in conjunction with a Convenience Store.

The subject property is unique in that the B.O.C. rezoned a lot within a residential subdivision (Crystal Lake Estates) to C-C for parking and septic area to facilitate the utilization of the existing mill for commercial purposes. However, it was the B.O.C.'s intent to retain the residential character of Crystal Lake Estates Subdivision by restricting the lot to a single-family dwelling.

The petitioner is also proposing to use the Old Mill structure for a corn grist mill, as the mill is still functional as such. The petitioner explained to Staff that his intent is to grind corn to bag and sell as a souvenir product with a label indicating that the corn had been ground in historic Bennett's Mill. While not specifically listed as a Permitted Use, the use of the subject property in this manner would be compatible with the C-C Zoning District.

2. That the exterior materials of the house shall be the same as those comprising the mill.

The S.R. 54 West Overlay Zone would now apply to the subject property with architectural standards requiring structures to have a residential character consisting of a pitched roof, façade, windows and doors. This condition is no longer required as the mill is consistent with the aforementioned architectural standards.

3. That the exterior appearance of the old mill building shall not be changed except for the addition of the proposed porch.

The S.R. 54 West Overlay Zone would now apply to the subject property with architectural standards requiring structures to have a residential character consisting of a pitched roof, façade, windows and doors. This condition is no longer required as the mill is consistent with the aforementioned architectural standards.

4. To observe the Georgia D.O.T. proposed right-of-way which has been identified for future widening of S.R. 54 as the front property line for determining all measurements and dimensional requirements.

This condition was placed on the property prior to the expansion of S.R. 54 West to four (4) lanes. As S.R. 54 West has been widened to four (4) lanes and DOT had no comments concerning future improvements to the roadway this condition is no longer required.

5. To provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire fighting equipment as required by the Fayette County Fire Department.

The Fire Marshal has indicated that existing regulations are sufficient. This condition is no longer required.

6. To provide off-street parking on the property during the entire construction period.

Off-street parking during the construction is uniformly enforced. This condition is no longer required.

7. That the light source from any exterior illumination device shall not be directly visible along any adjoining residential property line.

Requirements of the S.R. 54 West Overlay Zone states that lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. This condition is no longer required.

8. That the design and location of signs proposed for the property shall be approved by the Planning Commission.

This condition is not longer required as the County has a Sign Ordinance.

9. That in accordance with the condition volunteered by the previous owner, the owner agrees that the block building on the property which is known as the "Pink Palace" shall be demolished and removed prior to the issuance of any development related permits by the County.

The building known as the "Pink Palace" has been removed. This condition is no longer required.

10. That the buffer adjoining Lot 2, Crystal Lake Subdivision shall be a minimum of 50 feet and shall be improved with a planted screen at least six (6) feet tall.

The required buffer for the C-C zoning district is now 50 feet. This condition is no longer required.

11. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1.

This condition should remain as it was the B.O.C.'s intent to provide control with commercial traffic intermingling with residential traffic. Old Mill Court is classified as an Internal Local (interior subdivision street) and should not be accessed by nonresidential traffic.

12. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling.

Although the current Zoning Ordinance restricts all non-residentially zoned property to one (1) principal use, this condition should remain, as it was the B.O.C.'s intent to retain the residential character of Crystal Lake Estates Subdivision.

State Route Overlay

Due to the frontage on State Route 54 West, development of the property is subject to the requirements of the State Route 54 West Overlay Zone. The Overlay Zone requirements are in addition to the zoning district requirements and any Conditional Use requirements, and in cases where there is a conflict between requirements, the most restrictive regulation applies. Overlay Zone requirements including, but not limited to, the following: a 100 foot setback from the right-of-way of S.R. 54, a 50 foot setback for impervious surfaces from right-of-way of S.R. 54, and architectural standards for buildings which require a residential character including a pitched peaked roof, a residential façade, and doors and windows of a residential character.

Right-of-Way Requirements

S.R. 54 West is classified as a Major Arterial road (major thoroughfare) on the Fayette County Thoroughfare Plan. This being a State Route, any dedication will be the responsibility of the Georgia Department of Transportation (GDOT) to secure from the property owner.

Access

The Concept Plan submitted indicates two (2) accesses from S.R. 54 West. There shall be no access to Old Mill Court.

Site Plan

The owner/developer is hereby advised that should there be a change of use, including expansions and additions that a Site Plan must be submitted and approved as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Sections 5-18. Screening Required and 5-19. Screening Standards of the Fayette County Zoning Ordinance and 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

Per the Planning & Zoning Department
Comparative Trip Generation Table
Existing Conditioned Use vs. Potential C-C Use

Existing Conditional Use as Restaurant
Size: 8,100 sf

Land Use Category – Quality Restaurant			
	Weekday	**Sat.**	**Sun.**
Trip Gen. Rate	89.95	94.36	72.16
Total S.F./1,000	8.1	8.1	8.1
24 hr Trip Ends	**729**	**764**	**584**

Potential C-C Use as Specialty Retail
Size: 8,100 sf

Land Use Category – Specialty Retail			
	Weekday	**Sat.**	**Sun.**
Trip Gen. Rate	44.32	42.04	20.43
Total S.F./1,000	8.1	8.1	8.1
24 hr Trip Ends	**359**	**341**	**165**

Difference in Daily Vehicle Trips			
	Weekday	**Sat.**	**Sun.**
Quality Restaurant	729	764	584
Specialty Retail	359	341	165
Trip Reduction	**370**	**423**	**584**

This comparative analysis that a special retail use would generate about 50% fewer vehicle trips on weekdays and Saturdays and 70% fewer trips on Sundays than did the previous restaurant use.

F. REVISION TO A RECORDED PLAT

Effective October 26, 1995, the Fayette County Subdivision Regulations, Section 4-2.7 Revision to a Recorded Plat, public hearing approval from the Board of Commissioners is required prior to any substantial changes to a recorded final plat. Section 4-2.7 specifically states that ... "proposed revisions to any existing residential or agricultural-residential subdivisions which add property to increase the number of platted lots, or

change the principal use on a lot within a residential subdivision shall be considered in public hearings before the Planning Commission and the Board of Commissioners".

Background

The original Final Plat for Crystal Lake Estates Subdivision consists of a total of 29 single-family dwelling lots and was platted in 1980. That portion of the subject property identified as Lot 1 on the Final Plat of Crystal Lake Estates consists of 2.334 acres and the majority of the lot contains a parking lot, drain field lines, and distribution box. A Quit Claim deed recorded on February 21, 1991, combined the two original lots (2.103 acres and 2.334 acres) into one lot (4.437 acres).

One (1) of the conditions placed of the subject property when it was rezoned states: No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling. This request and the rezoning request to alleviate the rezoning conditions, if approved, will change the use from a single-family dwelling to the uses allowed in the C-C Zoning District. The intent of the B.O.C. was to retain the residential character of Crystal Lake Estates Subdivision by restricting this lot to a single-family dwelling.

G. DEPARTMENTAL COMMENTS

Water System

County water is available.

Engineering

Floodplain

The property does contain floodplain per FEMA FIRM panel 13113C0103E. Improvements to the site are constrained because of the property's proximity to Whitewater Creek.

The subject property is located within the floodway of Whitewater Creek. Structures shall not be allowed in the floodway (Zone AE). The floodway is indicated in the hatched areas on the attached map in Figure 1.

Article IV. Floodplain Management, Section 2. Definitions states: "Floodway" or "Regulatory Floodway" means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one (1) foot.

Article IV. Floodplain Management, Section 4.5 Floodway Encroachments states:

> Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore the following provisions shall apply:
>
> (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below.
>
> (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,
>
> (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Fayette County Engineering Department until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Fayette County Engineering Department.

Due to the location of the property and the structure in the floodway/floodplain, any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters shall be prohibited.

Wetlands The property does not contain any wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Per the USGS Fayetteville Quadrangle, there are state waters along the property. The County's Watershed Protection Buffers and Setbacks are applicable since the property has been reconfigured since 1987.

No land disturbance, structures, or impervious surface may be added to the property due to the watershed buffer and the watershed setback restrictions. As per the Development Regulations, Article VII. Watershed Protection Ordinance, Section 8-203. Restrictions, C. states: If a reservoir is not constructed on or adjacent to a major water supply stream, the following shall apply within 1,000 feet of a major water supply stream:

1. Permitted residential and commercial uses:

   a. Minimum Natural Buffer – 400 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.

   c. Minimum setback for all structures, nitrification fields and impervious surfaces – 450 feet as measured from the stream bank or 150 feet from 100-year flood plain elevation, whichever is greater.

Groundwater The property IS NOT within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20.)

Environmental Health Department

The installation of the individual sewage disposal system serving this property was inspected/approved by this department on 11/17/1989. The system was designed and installed to serve a full service restaurant. The system would have capacity to serve several commercial functions with peak daily sewage flow consideration. Concern was expressed in the Technical Review Committee (9/9/08) by Richard Fehr regarding

vehicular traffic over the sewage system. The sewage is located in the area of Crystal Lake Estates, Lot 1. Development of this lot would conflict with the location of the sewage system and impair the potential use of the mill structure.

Fire and EMS

Fire Suppression and Fire Prevention:

This property is located within the current territorial boundaries of County Fire Station #8, located on Flat Creek Trail, which would provide the initial first responding apparatus to any requests for assistance. Response time for suppression capability from Station #8 would be in the 5-8 minute range. Water and fire hydrants exist along Hwy 54 West.

Emergency Medical Services:

This property is located within the service delivery area of Medic #41 or #42 located on Johnson Ave. Response time for ambulance transport services is within the 8 minute accepted historical response criteria. The addition of this development or proposed changes will not materially impact EMS service delivery capability or current capacity.

Emergency Management Agency:

This property is within 100 years flood way and as built could have flooding problems. As with any other development, there is always the potential for man made or natural disasters that would impact emergency management.

Public Works

No comments regarding traffic/roadway.

Board of Education

See attached comments from Dr. John DeCotis.

Georgia Department of Transportation

No comments.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from C-C Conditional to C-C for the purpose of alleviating the current conditions and to use the Old Mill structure for a corn grist mill. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The request for rezoning from C-C Conditional to C-C is not consistent with the Fayette County Comprehensive Plan. The subject property lies within an area designated for Low Density Residential 1 unit/1 to 2 acres, Conservation Areas (environmentally sensitive areas, containing waterways, watershed protection areas, flood plains, poor soils and steep slopes) and the S.R. 54 West Overlay. However, the subject property was originally rezoned to C-C in 1983, (476-83 and 486-83) and has been developed and used in a commercial manner since that time.

2. As conditioned, the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

3. As conditioned, the proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

4. The existing C-C zoning in place since 1983, and the development and utilization of the subject property in a commercial manner since that time coupled with the recommended conditions support this request.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH CONDITIONS.**

RECOMMENDED CONDITIONS

If these petitions are approved by the Board of Commissioners, they should be approved **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. Any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters due to the location of the property and the structure in the floodway/floodplain shall be prohibited. These uses include: Adult Day Care, Day Care Facilities (Nursery School or Kindergarten), Care Home, Convalescent Center or Nursing Home, Automobile Service Station, including gasoline sales in conjunction with a Convenience Store. The aforementioned uses are Conditional Uses in the C-C Zoning District. *(This condition is to ensure the protection of the health, safety, and welfare of the public and to ensure protection for Whitewater Creek as a drinking water source.)*

2. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1. *(This condition is to provide control with commercial traffic intermingling with residential traffic. Old Mill Court is classified as an Internal Local (interior subdivision street) and should not be accessed by nonresidential traffic.)*

3. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling. *(This condition is to assist in the retention of the residential character of Crystal Lake Estates Subdivision.)*

The PC recommended approval subject to conditions #2 and #3 as submitted by Staff and revised condition #1 as follows:

1. Any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters due to the location of the property and the structure in the floodway/floodplain shall be prohibited. These uses include: Appliance sales and repair, etc., Auto parts and Tire store, retail, College, University, including Dormitory and Fraternity or Sorority house when located on main campus, Parking garage, School, Taxidermist, Adult Day Care Facility, Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic, Automobile Service Station, including gasoline sales in conjunction with a Convenience Store, Campground Facilities, Care Home, Convalescent Center or Nursing Home, Day Care Facility (Nursery School or Kindergarten), Dry Cleaning Plant, Fraternities and/or Sororities, Hospital, Kennel (See Animal Hospital, etc.), Laundromat, Self-Service or Otherwise. *(This condition is to ensure the protection of the health, safety, and welfare of the public and to ensure protection for Whitewater Creek as a drinking water source.)*

Staff has no objection to the condition as modified by the PC.

FAYETTE COUNTY BOARD OF EDUCATION

210 Stonewall Avenue West
P.O. Box 879
Fayetteville, Georgia 30214-0879

Phone: 770-460-3535
Fax: 770-460-8191

Board Members
Terri Smith, *Chair*
Lee Wright, *Vice Chair*
Marion Key
Janet Smola
Dr. Bob Todd

Dr. John D. DeCotis, EdD
Superintendent

"Where Excellence Counts"

September 12, 2008

Fayette County Zoning Department
Attn. Robyn Wilson, P.C. Secretary
140 Stonewall Avenue West, Suite 202A
Fayetteville, Ga. 30214

PETITION NO.: **1212-08 AND RP-043-08; Land Lot(s) 127 of the 5th District and fronts on S.R. 54 West and Old Mill Court**

The Fayette County Board of Education Facilities Planning Division has reviewed the above listed request for rezoning and is providing the information listed below.

If this application is approved, school system data shows it will impact the schools listed below as follows:

School	Facility Capacity	Current Enrollment	Building lots now available	This rezoning will increase Students by	Trailers currently on site
Spring Hill Elementary	738	528	433	1	0
Whitewater Middle	1088	911	782	0	0
Whitewater High School	1463	1697	828	0	0

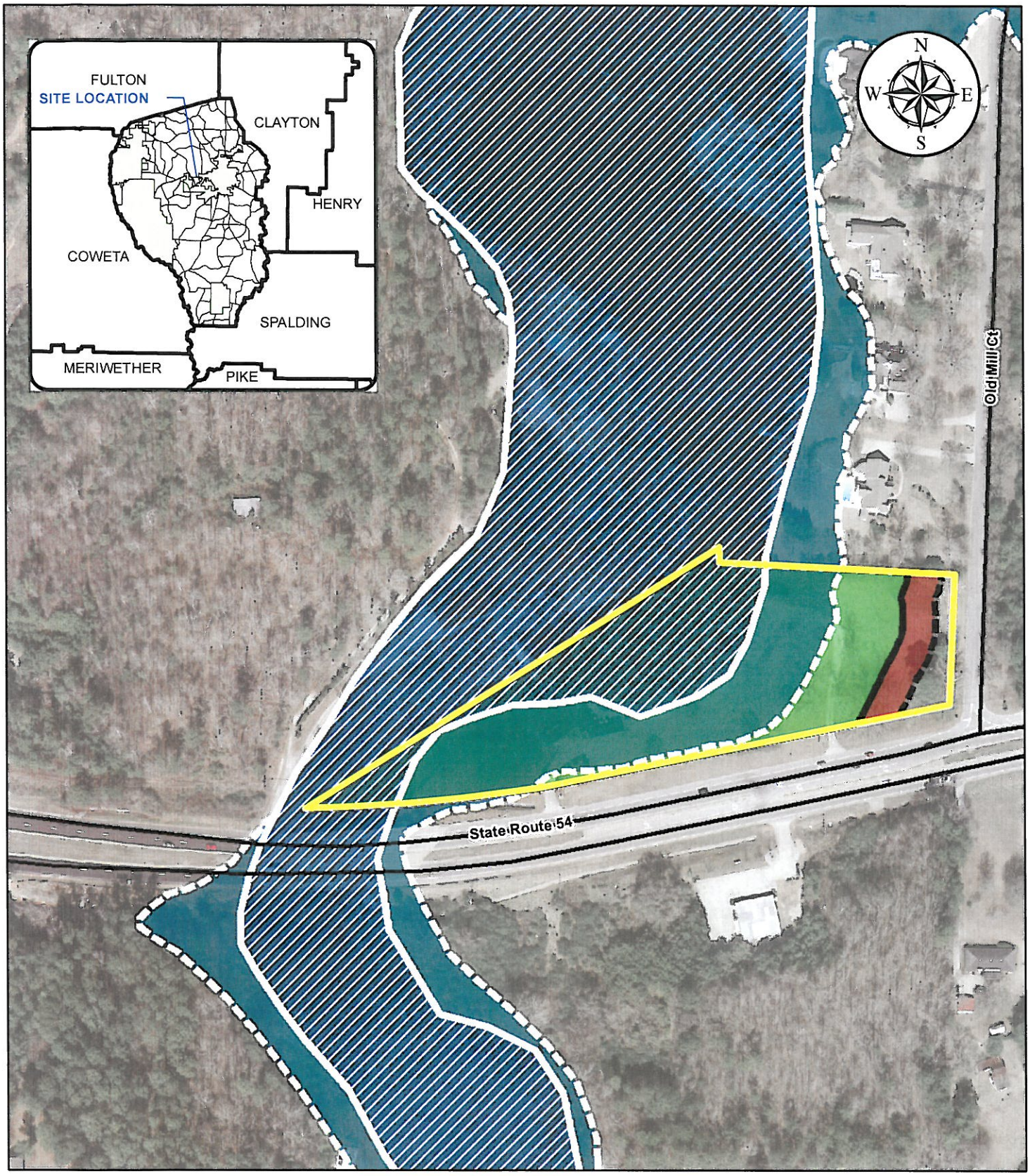
The Fayette County Board of Education expends an average of **$8,317.86** annually educating each student in the system, not including construction cost of new schools. If this application is approved it will result in an additional cost of **$8,317.86** to the school system. Previous rezoning requests for this attendance area will result in an additional cost to the Fayette County School System of:

Elementary School Students	433	$ 3,601,633.00
Middle School Students	196	$ 1,630,301.00
High School Students	212	$ 1,763,386.00
This rezoning request	1	$ 8,317.86
Total additional funds needed for this attendance district		$ 7,003,637.86

I hope this information will be beneficial in your deliberations for this rezoning request and I ask that you notify me of the decision on this zoning request.

Sincerely,

Dr. John D. DeCotis, Superintendent
Fayette County Schools



Fayette County GEORGIA

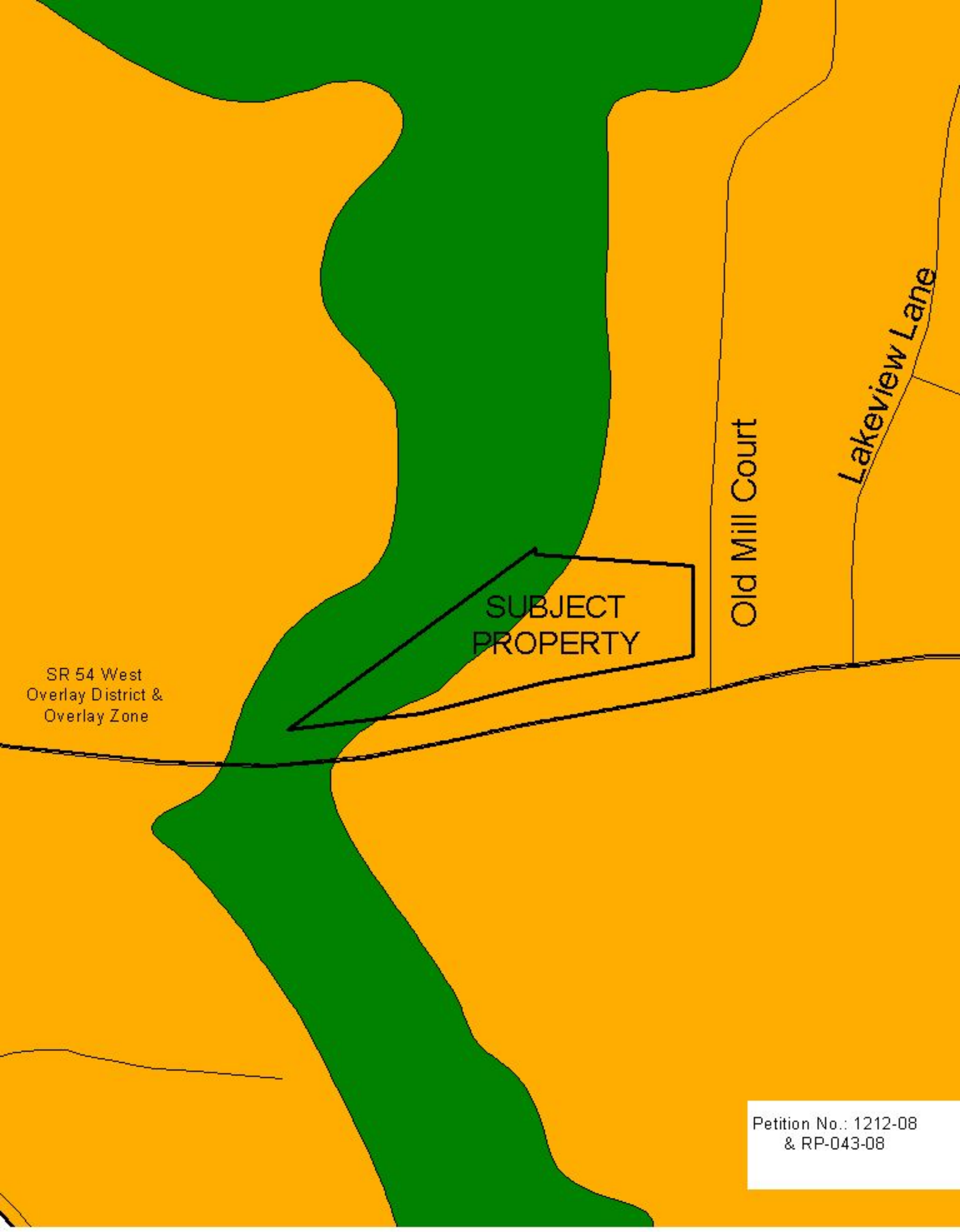
REZONING 1212-08
FIGURE 1

Legend

- 100 BUFFER
- 150 SETBACK
- AE FLOOD PLAIN
- AE FLOODWAY

1 inch equals 196.972822 feet

R-70
R-40
R-70
Old Mill Court
LAKEVIEW LANE
R-40
R-70
SUBJECT PROPERTY
S.R. 54
O-I
C-H
A-R
A-R
O-I
R-40
A-R
Petition No.:
1212-08 & RP 043-08
Aerials - 2006


SUBJECT
PROPERTY
Old Mill Court
Lakeview Lane
SR 54 West
Overlay District &
Overlay Zone
Petition No.: 1212-08
& RP-043-08

LAND USE

- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres, 5 Acre Min.)
- RURAL RESIDENTIAL (1 Unit/2 to 3 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 to 2 Acres)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/1 Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/1 Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/1 Acre)
- MOBILE HOME PARK
- OFFICE
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTIONAL
- CONSERVATION AREAS
- PARKS AND RECREATION
- TRANS., UTIL., & COMMUNICATIONS

6-18. C-C Community Commercial District.

A. Description of District. This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.

B. Permitted Uses. The following uses shall be permitted in the C-C Zoning District as long as the area devoted to inside storage does not exceed twenty-five (25) percent of the gross floor area of the principal structures except as excluded herein.

1. Amusement or Recreational facility;
2. Appliance sales and repair, etc.;
3. Art studio;
4. Auto parts and Tire store, retail;
5. Bakery;
6. Bank;
7. Barber shop;
8. Beauty shop;
9. Business school;
10. Catering service;
11. Church and customary related uses;
12. Clothing store and variety store;
13. College, University, including Dormitory and Fraternity or Sorority house when located on main campus;
14. Cultural facility;
15. Dance school or Studio;
16. Dental office;

17. Department store;

18. Drug store;

19. Dry goods store;

20. Financial institution;

21. Florist;

22. Gift shop;

23. Grocery store;

24. Growing crops, garden, shrubbery, flowers, etc. and related sales;

25. Gunsmith;

26. Home occupation;

27. Jewelry shop;

28. Laboratory serving professional requirements, (e.g. medical, dental, etc.);

29. Laundry pickup station;

30. Library;

31. Locksmith;

32. Medical office;

33. Messenger service;

34. Museum;

35. Music teaching studio;

36. Novelty shop;

37. Office equipment sales and service;

38. Parking garage;

39. Photography studio;

40. Private clubs or Lodges;

41. Radio studio;

42. Restaurant;

43. Retail establishment;

44. School;

45. Shoe repair;

46. Taxidermist;

47. Taxi service;

48. Telegraph service;

49. Television studio; and

50. Watch repair.

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Adult Day Care Facility; (Adopted 06/28/07)

2. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;

3. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;

4. Campground Facilities;

5. Care Home, Convalescent Center or Nursing Home;

6. Church or Religious Tent Meeting;

7. Commercial Driving Range;

8. Day Care Facility (Nursery School or Kindergarten);

9. Dry Cleaning Plant;

10. Fraternities and/or Sororities;

11. Golf Course;

12. Hospital;

13. Kennel (See Animal Hospital, etc.);

14. Laundromat, Self-Service or Otherwise;

15. Single-Family Residence; and

16. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

D. Dimensional Requirements. The minimum dimensional requirements in the C-C Zoning District shall be as follows:

1. Lot area:

   a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)

   b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)

2. Lot width: 125 feet

3. Front yard setback:

   a. Major thoroughfare:

      (1) Arterial: seventy-five (75) feet

      (2) Collector: seventy (70) feet

b. Minor thoroughfare: sixty-five (65) feet

4. Rear yard setback: fifteen (15) feet

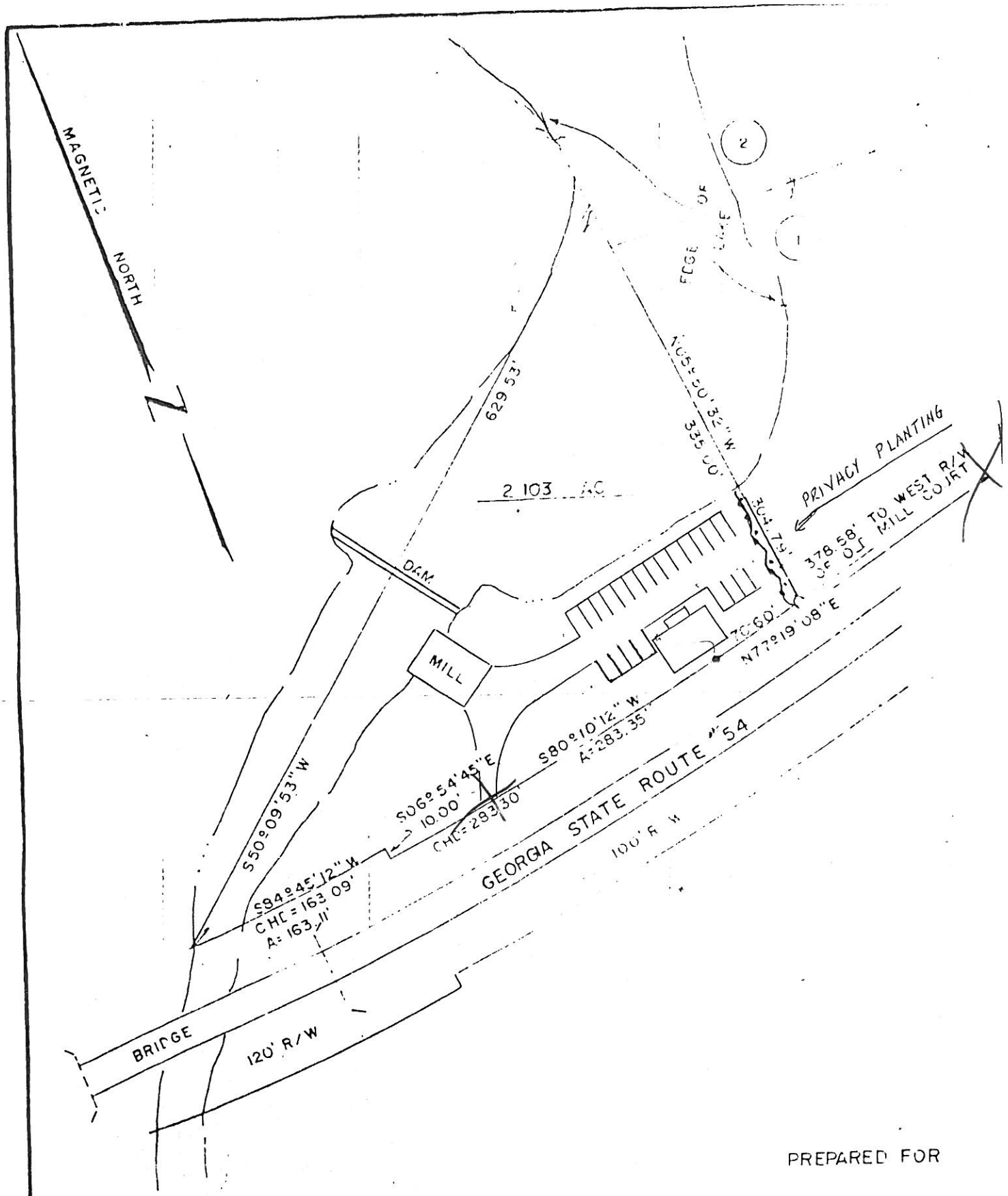
5. Side yard setback: fifteen (15) feet

6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of fifty (50) feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

7. Height limit: thirty-five (35) feet

8. Screening dimensions for parking and service areas as provided in Section 5-19, 5-20, and the Development Regulations.

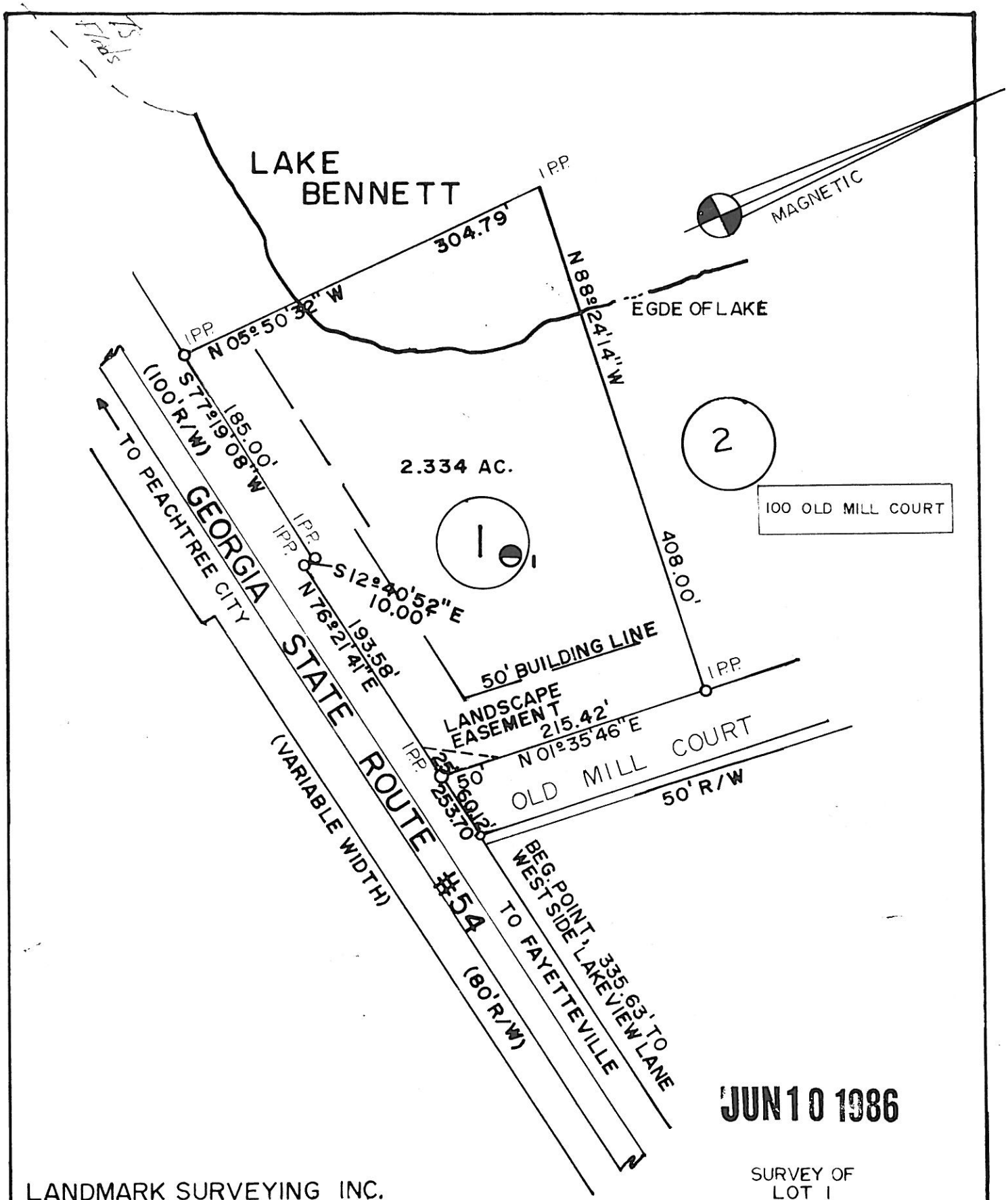
9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area (Adopted 06/28/01)



PREPARED FOR

Located in
CRYSTAL LAKE ESTATES
LAND LOT 127 - 5TH DISTRICT
FAYETTE COUNTY GEORGIA
SCALE 1"=100' JAN 13, 91

LANDMARK SURVEYING INC.
NEWNAN, GEORGIA
(404) 251-0006



JUN 10 1986

LANDMARK SURVEYING INC.
NEWNAN, GEORGIA
(404) 251-0006

SURVEY OF
LOT 1
CRYSTAL LAKE ESTATES
LAND LOT 127, 5TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE 1" = 100', MAY 24, 1982

OWNER 3-27-9 DATE

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY GEORGIA

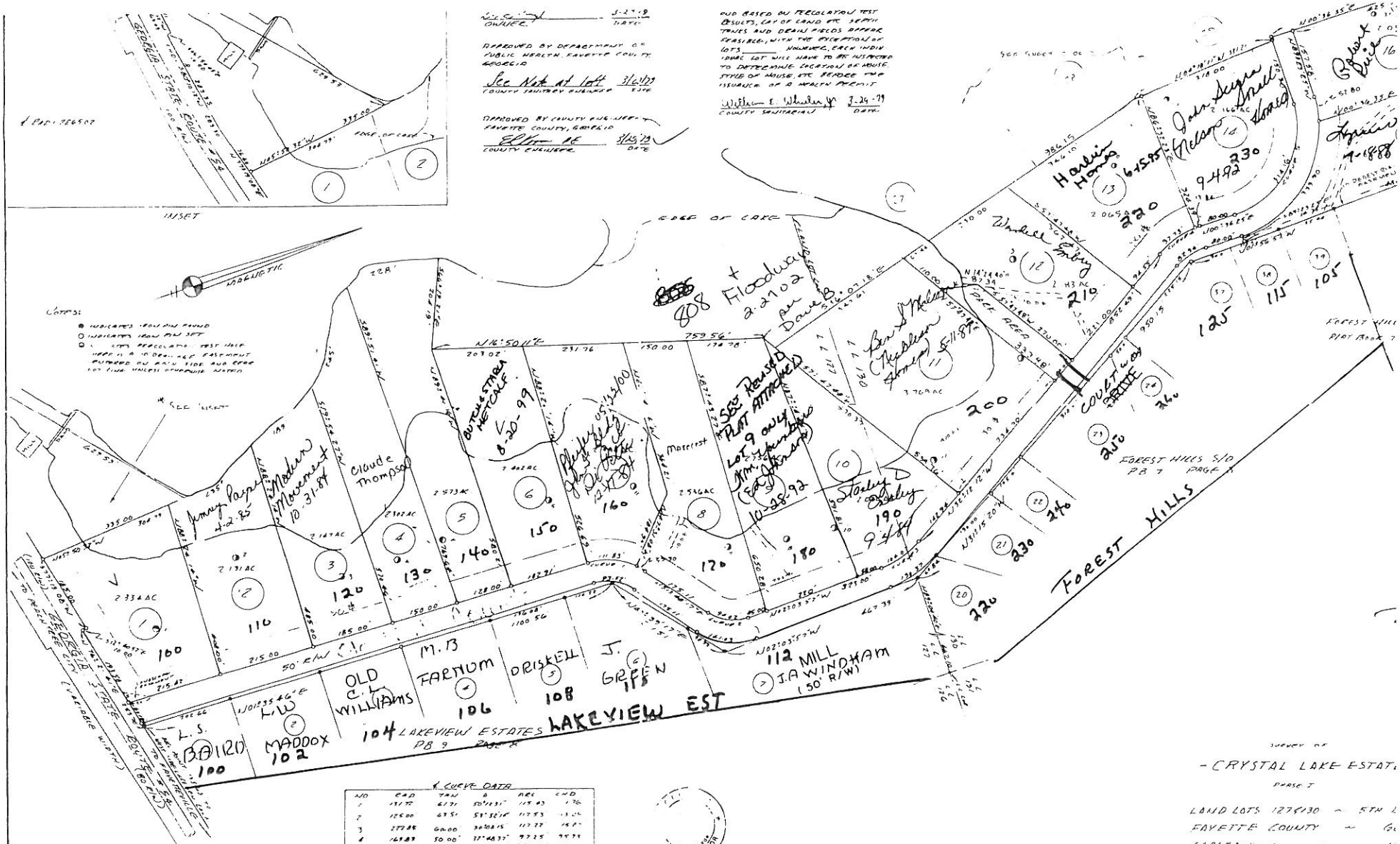
See Note at left 3/26/99
COUNTY SANITARY ENGINEER DATE

APPROVED BY COUNTY ENGINEER FAYETTE COUNTY, GEORGIA

Elton E 3/25/99
COUNTY ENGINEER DATE

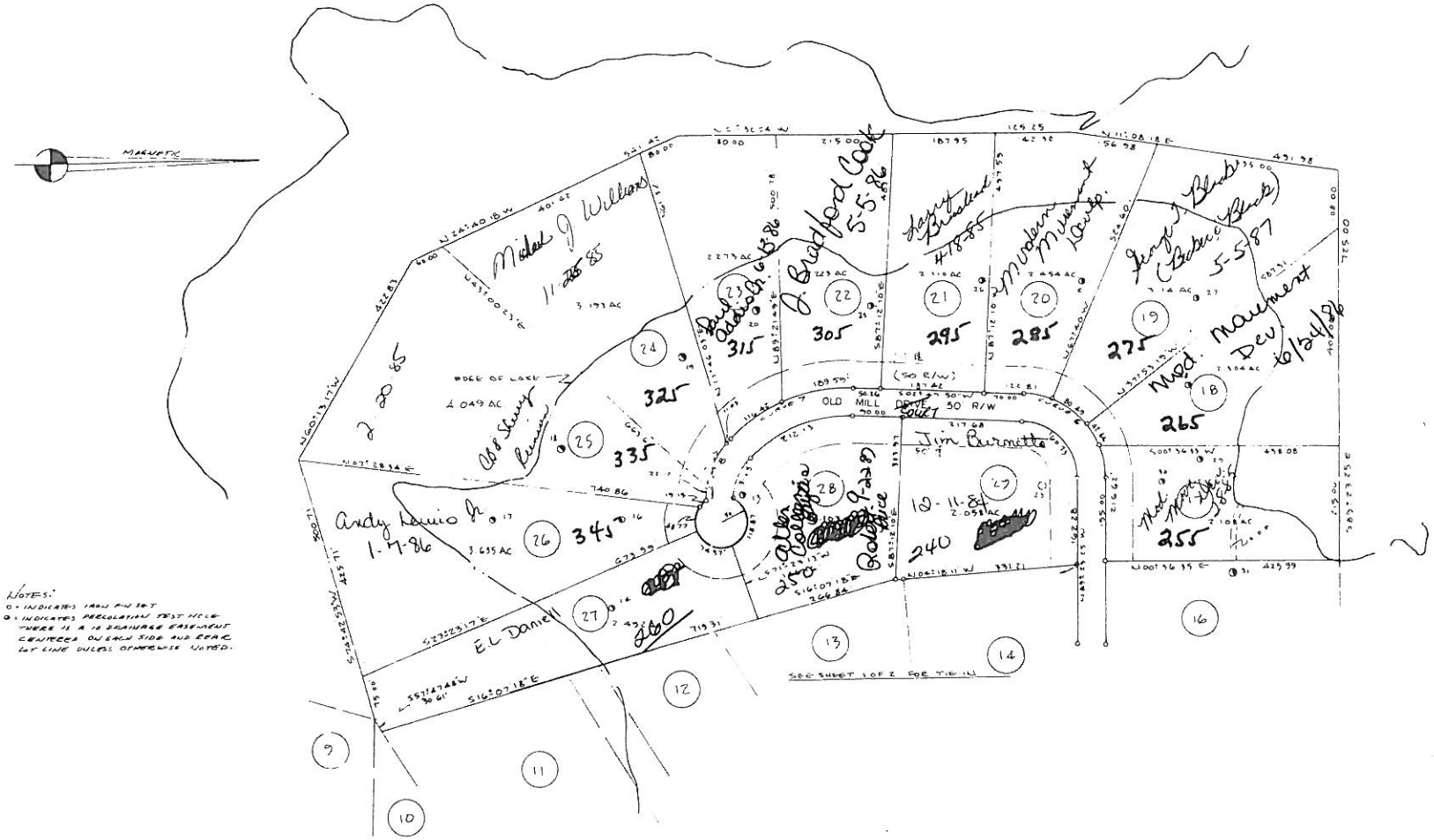
OWD BASED ON PERCOLATION TEST RESULTS, LAY OF LAND, ETC. SEPTIC TANKS AND DRAIN FIELDS APPEAR FEASIBLE, WITH THE EXCEPTION OF LOTS _____. HOWEVER, EACH INDIVIDUAL LOT WILL HAVE TO BE INSPECTED TO DETERMINE LOCATION OF HOUSE, STYLE OF HOUSE, ETC. BEFORE THE ISSUANCE OF A HEALTH PERMIT.

William E. Wheeler Jr. 3-26-99
COUNTY SANITARIAN DATE



NO	RAD	TAN	Δ	ARC	CHD
1	131.72	61.71	50°12'31"	115.03	1.76
2	125.00	63.51	58°32'16"	117.53	[illegible]
3	270.85	66.00	36°08'15"	117.77	[illegible]
4	165.83	50.00'	17°48'37"	97.25	[illegible]
5	275.00	225.00	90°00'00"	353.43	[illegible]

LANDMARK SURVEYING, INC
NEWNAN, GEORGIA
(404) 251-0006



NOTES:
O = INDICATES IRON PIN SET
● = INDICATES PERCOLATION TEST HOLE
THERE IS A 10 DRAINAGE EASEMENT CENTERED ON EACH SIDE AND REAR LOT LINE UNLESS OTHERWISE NOTED.

CURVE DATA					
NO	ARC	TAN	Δ	ARC	CHD
1	127.07	25.00	87°48'05"	119.03'	115.12
2	268.20	125.00	44°58'37"	261.94	236.60
3	88.12	79.50	56°26'50"	84.53	80.10

SURVEY OF
- CRYSTAL LAK
PHASE I

LAND LOTS 127&130
FAYETTE COUNTY
SCALE: 1"=100'

Georgia Department of Human Resources

ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

~~Connected to Drainfield~~

County Code (2–4)	Construction Permit (5–8)	Case Number (FHA, VA, etc.) (9–20)	Health Dist. (21–22)	Day (23–24)	Month (25–26)	Year (27–28)
			04	17	11	89

Property Location	Property Owner	County
Hwy 54 W. Grist Mill Rest Lot 1 Crystal Lake S/D (Millaround)	Neil Davis Sewage Disposal Contractor: Same	Fayette

ALL ITEMS: Blank = Not Applicable; 0 = Unknown *ITEMS: 1 = Yes; 2 = No

SECTION A – GENERAL

1. Type Water Supply: (1) Public, (2) Community, (3) Indiv. — 1 (29)
2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other — (30)
3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year — 1 (31)
4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys. — 1 (32)
5. If Repair of Existing System – Years System Installed: (1) < 1 year, (2) 1 – 2, (3) 2 – 3, (4) 3 – 5, (5) 5 – 10, (6) >10 — 1 (33)
6. Percolation Rate Min./In.: 25 (34 35)
7. *Is Property Part of a Subdivision: 2 (36)

SECTION B – FACILITY

1.**Type Facility: See Code Below — 05 (37 38)
2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons — 2 (39)
3. Number Bedrooms or Gallons: 600 (40 41 42 43)

SECTION C – LOT SIZE

1. Lot Depth (Average):
2. Lot Width (Average):
3. Building Line (Feet):

SECTION D – PRIMARY TREATMENT

1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Aerobic Unit, (5) Other (Dosing + Pump) — 5 (44)
2. Septic Tank Capacity (gallons): 12,000 + 1500 = 1350 (45 46 47 48)
3. Unit 1 Tank/Compartment Capacity: Grease trap = 1500
4. Septic Tank Inside Length (feet): 29.5 (49 50 51 52)
5. Septic Tank Inside Width (feet): 12.0
6. Septic Tank Liquid Depth (feet): 5.5
7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other — 1 (53)
8. Dosing Tank Capacity (gallons):
9. Grease Trap Capacity (gallons): 1500 (54 55 56) — 1500 (57 58 59)
10. Distance Septic Tank from Well:

SECTION E – SECONDARY TREATMENT

1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial, (4) Mound, (5) Other — (60)
2. Absorption Field:
   a. Total Square Feet — (61 62 63 64)
   b. Total Lineal Feet — 1500 (65 66 67 68)
   c. Length each Trench (feet) — 1500 (69 70)
   d. Width of Trenches (inches) — 36
   e. Number of Trenches — 02
   f. Distance between Trenches — 10
   g. Average Trench Depth (inches) — 36
   h. * Aggregate Proper Size — 1
   i. * Aggregate Proper Depth — 1
   j. Distance from Building Foundation — 042
   k. Nearest Property Line: (1) Front, (2) Rear, (3) R. Side, (4) L. Side — 1
   l. Distance Nearest Property Line — 015
   m. Distance Privy or Absorption Field from Well — N/A

SECTION F – HEALTH AGENCY TIME

1. Total Inclusive Time (min.): 045 (71 72 73)

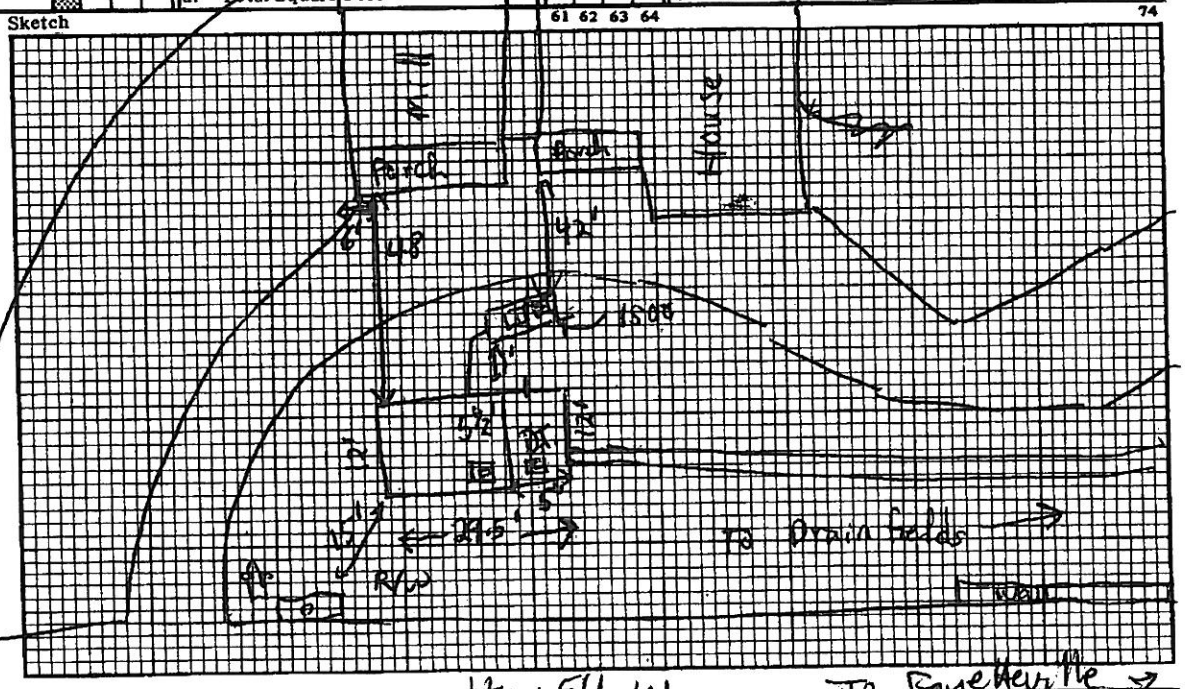
SECTION G – SYSTEM APPROVED

1. * Yes
2. No — 1 (74)

Lake

Wall

Sketch



1.**Type Facility
(1) Residence
(2) Apartment
(3) Institution
(4) Service Station
(5) Restaurant
(6) Church
(7) Tourist Accommodation
(8) Launderette
(9) Mobile Home Park
(10) Other (Specify) _____

5½ Deep

Remarks:

Inspected By:	Title	Health Agency
Gary D. Walls	EI, Sr.	Fayette Co. Health Dept

Form 3884 (Rev. 5-84)

1 of 2

Georgia Department of Human Resources

ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

('148) 11 - 08 - 89
(546) 10 08 89
09 08 89 (4)

County Code (2 3 4)	Construction Permit (5 6 7 8)	Case Number (FHA, VA, etc.) (9 10 11 12 13 14 15 16 17 18 19 20)	Health Dist. (21 22)	Day (23 24)	Month (25 26)	Year (27 28)
			04	08	08	89 (1-3)

Property Location	Property Owner	County
Lot 1 Crystal Lake SID (Grist Mill Restaurant)	Neil Davis	Fayette
	Sewage Disposal Contractor: Neil Davis / Randy Padgett	

ALL ITEMS: Blank = Not Applicable; 0 = Unknown *ITEMS: 1 = Yes; 2 = No

SECTION A – GENERAL

1. Type Water Supply: (1) Public, (2) Community, (3) Indiv. — 1 (29)
2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other — (30)
3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year — (31)
4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys. — 1 (32)
5. If Repair of Existing System – Years System Installed: (1) < 1 year, (2) 1 – 2, (3) 2 – 3, (4) 3 – 5, (5) 5 – 10, (6) >10 — 1 (33)
6. Percolation Rate Min./In.: 25 (34 35)
7. *Is Property Part of a Subdivision: 2 (36)

SECTION B – FACILITY

1.**Type Facility: See Code Below — 05 (37 38)
2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons — 2 (39)
3. Number Bedrooms or Gallons: 8000 (40 41 42 43)

SECTION C – LOT SIZE

1. Lot Depth (Average):
2. Lot Width (Average):
3. Building Line (Feet):

SECTION D – PRIMARY TREATMENT

1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Aerobic Unit, (5) Other Pump — 5 (44)
2. Septic Tank Capacity (gallons): (45 46 47 48)
3. Unit 1 Tank/Compartment Capacity: (49 50 51 52)
4. Septic Tank Inside Length (feet):
5. Septic Tank Inside Width (feet):
6. Septic Tank Liquid Depth (feet):
7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other — (53)
8. Dosing Tank Capacity (gallons): (54 55 56)
9. Grease Trap Capacity (gallons): (57 58 59)
10. Distance Septic Tank from Well:

SECTION E – SECONDARY TREATMENT

1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial, (4) Mound, (5) Other — (60)
2. Absorption Field:
   a. Total Square Feet (61 62 63 64)
   b. Total Linear Feet: 1500
   c. Length each Trench (feet): 1500 (65 66 67 68)
   d. Width of Trenches (inches): 36
   e. Number of Trenches: 01 (69 70)
   f. Distance between Trenches: 10
   g. Average Trench Depth (inches): 36
   h. * Aggregate Proper Size: 1
   i. * Aggregate Proper Depth: 1
   j. Distance from Building Foundation
   k. Nearest Property Line: (1) Front, (2) Rear, (3) R. Side, (4) L. Side — 2-3
   l. Distance Nearest Property Line: 010
   m. Distance Privy or Absorption Field from Well: N/A

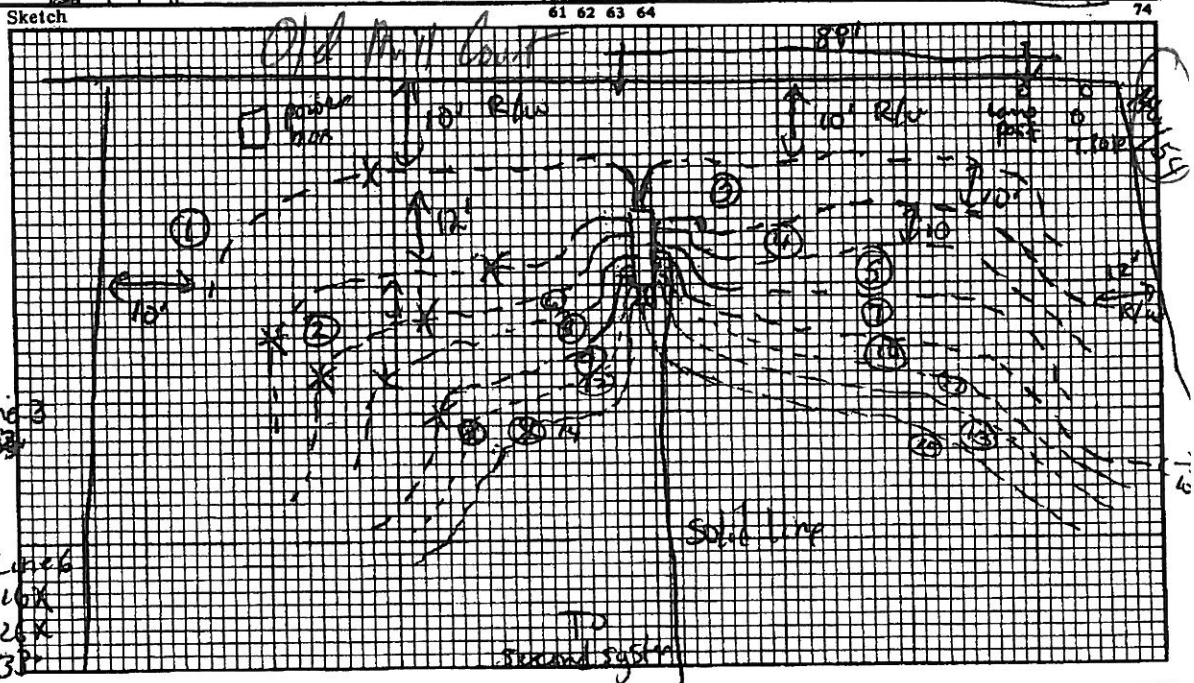
SECTION F – HEALTH AGENCY TIME

1. Total Inclusive Time (min.): 1

SECTION G – SYSTEM APPROVED (71 72 73)

1. * Yes — 1 (74)
2. No

Sketch



1.**Type Facility
(1) Residence
(2) Apartment
(3) Institution
(4) Service Station
(5) Restaurant
(6) Church
(7) Tourist Accommodation
(8) Launderette
(9) Mobile Home Park
(10) Other (Specify) _____

Line 1: 19X, 32.
Line 2: 17X, 27X, 33.
Line 3: 33.
Line 4: 33.
Line 5: 34.
Line 6: 16X, 26X, 35

Remarks: Line 7 - 34. Line 8 20X 34. Line 9 24X, 35 Line 10 - 34. Line 11 Line 12 - 22X 35 Line 14 - 21X 35 Line 15 34.

Sketch By: Guy D. Wells
Title: ET Sr.
Health Agency: Fayette Co. Health Dept

884 (Rev. 5-84)

2 of 3

Georgia Department of Human Resources 28AUG89

ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

County Code	Construction Permit	Case Number (FHA, VA, etc.)	Health Dist.	Day	Month	Year
				21	08	89
2 3 4	5 6 7 8	9 10 11 12 13 14 15 16 17 18 19 20	21 22	23 24	25 26	27 28

Property Location	Property Owner / Sewage Disposal Contractor	County
Crystal Lake Lot 1	Owner: R. Davis Contractor: R. Davis	Fayette

ALL ITEMS: Blank = Not Applicable; 0 = Unknown *ITEMS: 1 = Yes; 2 = No

SECTION A – GENERAL

1. Type Water Supply: (1) Public, (2) Community, (3) Indiv. — 1 (29)
2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other — (30)
3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year — 1 (31)
4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys. — 1 (32)
5. If Repair of Existing System – Years System Installed: (1) < 1 year, (2) 1 – 2, (3) 2 – 3, (4) 3 – 5, (5) 5 – 10, (6) >10 — 1 (33)
6. Percolation Rate Min./In.: 25 (34 35)
7. *Is Property Part of a Subdivision: 2 (36)

SECTION B – FACILITY

1. **Type Facility: See Code Below — 05 (37 38)
2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons — 2 (39)
3. Number Bedrooms or Gallons: 900 (40 41 42 43)

SECTION C – LOT SIZE

1. Lot Depth (Average):
2. Lot Width (Average):
3. Building Line (Feet):

SECTION D – PRIMARY TREATMENT

1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Aerobic Unit, (5) Other — 5 (44)
2. Septic Tank Capacity (gallons): Pump (45 46 47 48)
3. Unit 1 Tank/Compartment Capacity:
4. Septic Tank Inside Length (feet): (49 50 51 52)
5. Septic Tank Inside Width (feet):
6. Septic Tank Liquid Depth (feet):
7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other — (53)
8. Dosing Tank Capacity (gallons):
9. Grease Trap Capacity (gallons): (54 55 56)
10. Distance Septic Tank from Well: N/A (57 58 59)

SECTION E – SECONDARY TREATMENT

1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial, (4) Mound, (5) Other — 1 (60)
2. Absorption Field:
   a. Total Square Feet: 9000 (61 62 63 64)
   b. Total Linear Feet: 1500 (65 66 67 68)
   c. Length each Trench (feet): 15 00
   d. Width of Trenches (inches): 36 (69 70)
   e. Number of Trenches: 01
   f. Distance between Trenches: 10
   g. Average Trench Depth (inches): 36
   h. * Aggregate Proper Size: 1
   i. * Aggregate Proper Depth: 1
   j. Distance from Building Foundation:
   k. Nearest Property Line: (1) Front, (2) Rear, (3) R. Side, (4) L. Side: 1
   l. Distance Nearest Property Line: R/W 010
   m. Distance Privy or Absorption Field from Well: N/A

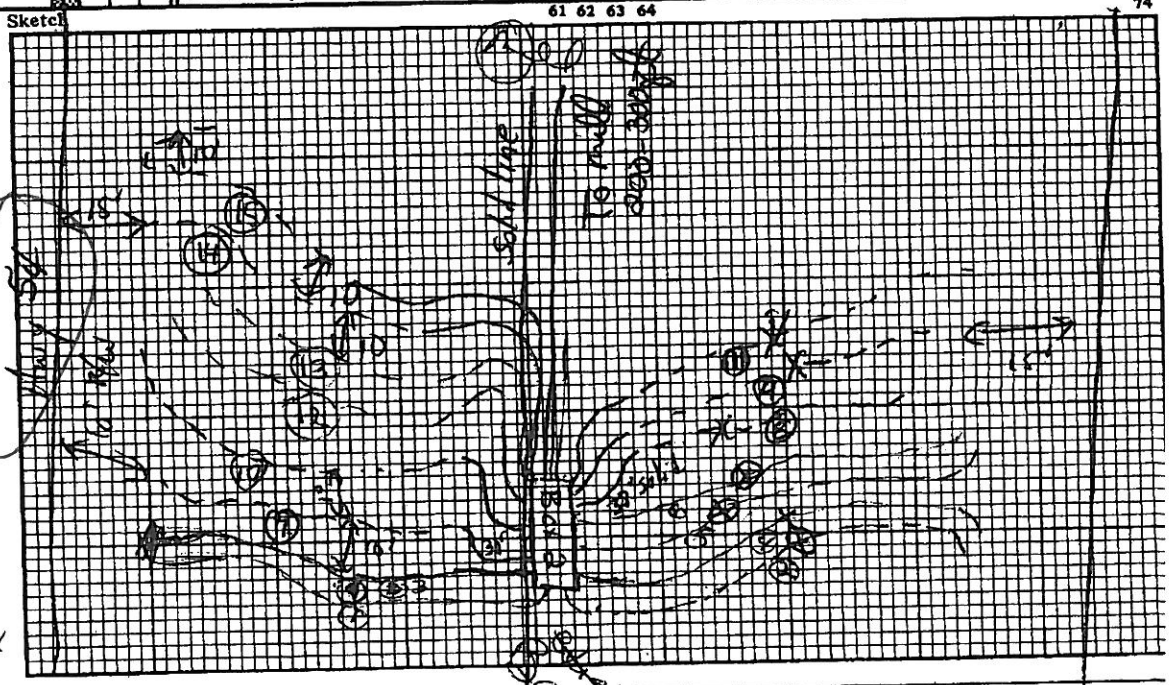
SECTION F – HEALTH AGENCY TIME

1. Total Inclusive Time (min.): (71 72 73)

SECTION G – SYSTEM APPROVED

1. * Yes
2. No (74)

Sketch



1.**Type Facility
(1) Residence
(2) Apartment
(3) Institution
(4) Service Station
(5) Restaurant
(6) Church
(7) Tourist Accommodation
(8) Launderette
(9) Mobile Home Park
(10) Other (Specify)

Line 1 - 34*
Line 2 18x 35
Line 3 - 35
4 - 17x 34
Line 5 - 14x 35*
8/22 Line 6 19x 35
8/25 Line 7 35. Line 8 13x 35. Line 9 : 20x - 35 Line 10 34 Line 11 : 15x, 22x
Line 12 : 35 Line 13 : 35 Line 14 = 34 Line 15 = 34

Remarks:

Inspected By: Gary D. Walls
Title: ET, Sr.
Health Agency: PCHD

Form 3884 (Rev. 5-84)

NOTE: THE PROJECT ENGINEER SHALL MONITOR ALL GRADING ACTIVITIES TO INSURE NO EXCESS FILL IS PLACED W/IN THE 100 YR. I.R.F.

PROPERTY ZONED R-70

PROPOSED SEPTIC FIELD
TO BE DESIGNED AND INSTALLED BY THE FAYETTE COUNTY HEALTH DEPT.

PROPERTY ZONED R-70

OLD MILL COURT (50' R/W)

VICINITY/LOCATION MAP

GEORGIA STATE ROUTE NO. 54

100' R/W (LAND VARIES AS SHOWN)

AREA THIS SITE: 4.449 AC.

PROPERTY ZONED: CC (CONDITIONAL)

PROPERTY ADDRESS: 1055 HIGHWAY 54 WEST FAYETTEVILLE, GA 30214

OWNER/DEVELOPER: W. NEIL DAVIS
[illegible] AS ABOVE
[illegible]

PROPOSED BUILDING ADDITION: 6501.60 FT

TOTAL # PARKING SPACES PROVIDED: 83
(NOTE: SEE PARKING CALCULATIONS) 2 HANDICAPS

PARKING CALCULATIONS:
RETAIL SPACE: 1400 S.F. (1 SPACE/200 S.F.) = 7 SPACES
RESTAURANT EMPLOYEES & MAX. = 20 : (1 SPACE/2 EMP) = 10 SPACES
TOTAL NO. OF RESTAURANT SEATS = 210 (1 SPACE/3 SEATS) = 70 SPACES
TOTAL # SPACES REQ'D = 89 SPACES

NOTE: CONTOUR INTERVAL EQUALS 2 FEET

SEE SHEET 2 FOR GRADING & EROSION CONTROL PLAN

GRAPHIC SCALE - 1" = 30'

APPROVED

Fayette County does not certify the accuracy of these plans. In approving these plans, the County has relied upon the accuracy of the information and representations furnished herein by the [illegible] professional whose seal appears on these plans. The County assumes no liability or responsibility for the accuracy thereof. Although the County has attempted to insure compliance with all applicable standards and specifications, approval of these plans does not relieve the owner from compliance with all applicable County standards and specifications.

Dennis Natale
7/24/89

REVISED
JUL 24 1989

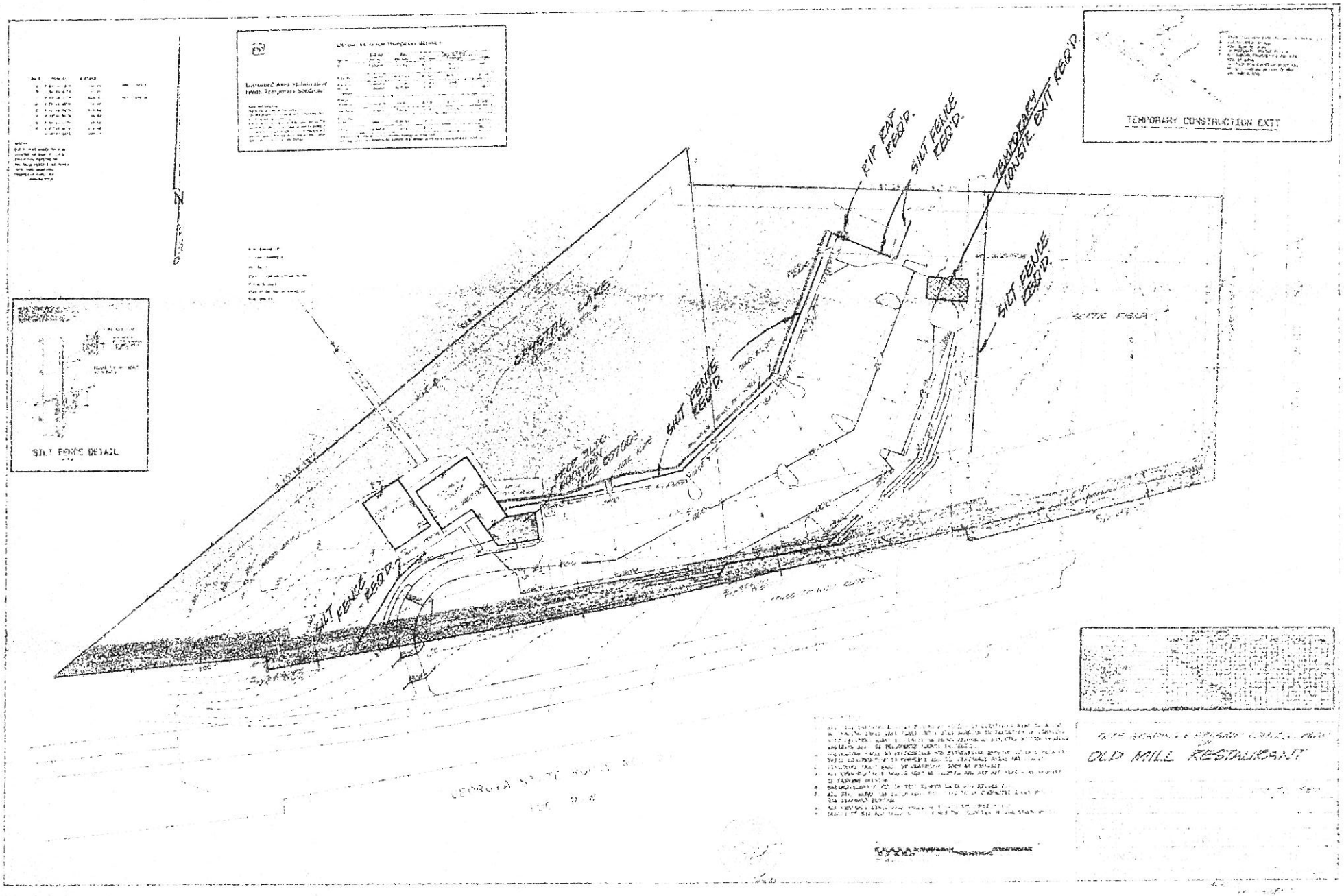
GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 12630 GEORGIA, U.S.A.

7/21/89

SITE PLAN OF:
OLD MILL RESTAURANT

SCALE: 1" = 30'	DATE: JUNE 26, 1989
LAND LOT 127	
DISTRICT 5	
FAYETTE COUNTY, GEORGIA	
LANDMARK SURVEYING, INC.	
NEWNAN, GEORGIA (404) 251-0006	

SHT # 1 OF 2 SHEETS


TEMPORARY CONSTRUCTION EXIT
SILT FENCE DETAIL
N
CENTRAL LAKE
SILT FENCE REQ'D.
SILT FENCE REQ'D.
SILT FENCE REQ'D.
SILT FENCE REQ'D.
SILT FENCE REQ'D.
TEMPORARY CONSTR. EXIT REQ'D.
SEPTIC FIELD
OLD MILL RESTAURANT

Crystal Lake
Crystal Lake Estates
R-70
OLD MILL COURT
Lakeview Estates
R-40
LAKEVIEW LANE
Lakeview Court
Lakeview Estates
R-40
Petition No. 1211-08
R-70 to O-I
Petition No. 1212-08
C-C Cond to C-C
Lot 1 of Crystal Lake Estates
Petition No. 1212-08
C-C Cond to C-C
Petition No. RP-043-08
Change of Use from Single-Family Dwelling to C-C Uses
Lot 1 of Lakeview Estates
Randy Holt
Petition 994-98
R-40 to O-I
Denied 12/10/98
Lot 17 of Lakeview Estates
Alan Bell
Petition 1201-07
R-40 to O-I
Denied 10/25/07
Lot 18 of Lakeview Estates
Alan Bell
City of Fayetteville
STATE ROUTE 54 WEST

the property owners in the area were all in favor of this rezoning.

There was no one present who wished to speak in opposition to the petition.

It was moved by Commissioner Harris, seconded by Commissioner Reid and unanimously voted to grant Petition No. 475-83. A copy of the Ordinance approving this Petition, identified as Attachhment No. 3", follows these minutes and is made an official part hereof.

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PETITION NO.476-83 of AMERICAN INTERNATIONAL INVESTMENT, INC.: This Petition involved a request to rezone 2.1 acres on Highway 54 West, Land Lot 127 of the 5th District, from R-70 to C-C for the purpose of a historical restaurant.

Mr. Phil Talalai, representing American International Investment, Inc., said that the request was for the rezoning of the Old Mill site from the current R-70 residential zoning to C-C, Community Commercial, for the purpose of developing a historical restaurant. He said that at the last Planning Commission meeting his firm reviewed the historal value of the restaurant from its creation in 1837 up to current times, reviewed the tax benefits to the County and presented an architectural concept of the proposal. He said there were two objections during the Planning Commission meeting. The first objection was that in the event a restaurant was not constructed, commercial zoning would remain and would allow other less desirable uses. He said they would offer a reversion zoning so that in the event they did not build the restaurant according to County regulations and specifications, the zoning from C-C would revert to the R-70 residential zoning. He said his intent was to create a historial restaurant and that was the only reason for this application. He added that there were no other commercial reasons for the rezoning request. He added that the other objections was because of the possibility of a traffic hazard. He said the developers had spent a great deal of money on surveyors who had prepared a plat which had been submitted to the Department of Transportation. He presented a copy of this plat with red-lined comments and recommendations from the D.O.T. He said the Department of Transportation had shown what they felt would be a safe ingress/egress plan for the Old Mill. He referred to page 1 which contained the red-lined comments and was signed by the Department of Transportation. He said the D.O.T. had placed the entry to the Old Mill approximately 375 feet from the bridge. He added that his firm was currently under contract for the purchase of the adjacent lot and this would be rezoned later, provided the request before the Board at this time was granted. He reviewed the site plan with the Board. He said the developer felt that in order to provide adequate parking and safe ingress/egress, the entry needed to be further away from the bridge. He said the developer planned to provide an acceleration/deceleration lane as recommended by the Department of Transportation. He said his firm had also offered to pay the expense of a caution light in this area to slow down traffic. He said that D.O.T. had advised that the County would have to petition the D.O.T. for the light. He said they felt the objections would be satisfied by having a caution light to slow down the traffic, by having the extra lane installed at the developer's expense, and having by having the entry as far away from the bridge as possible. He said the proposed entry location would give a clear view approximately 375 feet in each direction.

Commissioner Black asked if the Department of Transportation had mentioned the possible four-laning of Highway 54 in this area, and whether the 100 foot right-of-way would be adequate if that happened. Mr. Talalai answered that a 100 foot right-of-way would be adequate and would serve a five-lane road.

Commissioner Black asked the proposed number of parking spaces. Mr. Talalai answered that sixty-one (61) parking spaces are planned

13-12

and according to County specifications, this would serve one-hundred and eighty-four (184) persons.

Commissioner Berkelbaugh asked how many persons the restaurant would seat and Mr. Talalai answered one-hundred and seventy-three (173).

Chairman Barronton asked if there was anyone else who wished to speak in favor of the petition. Mr. Modelvesky stated that he lived in the log house right across the creek from the mill and he was highly in favor of this project. He said the entrance looked more than adequate.

No one else wished to speak in favor of the petition.

No one wished to speak in opposition to the petition.

Commissioner Harris asked how the developer managed to keep from having opposition from the residents of Crystal Lake Estates which is located behind this property.

Mr. Talali answered that at the last hearing two residents of Crystal Lake Estates spoke in favor of the proposal and there was no opposition then or now.

Commissioner Berkelbaugh stated that there were some questions on the sewage treatment plan and asked if Mr. Talalai understood that the zoning would be conditional on the installation of an approved treatment plan.

Mr. Talalai said that they had offered the reversion zoning in the event the Mill Restaurant was not developed and they also understood that to obtain a valid building permit they would need to satisfy County and State regulations pertaining to restaurant commercial use for septic disposal. He said three engineers were currently working on the project and the engineers advised that the developer needed to have zoning approved before undertaking large engineering fees. He said the developer had seen one engineer's plan of what he felt would be adequate and would be in accordance with County regulations. He added that part of the reason for purchasing the adjacent lot was to install field lines for the septic system.

Don Moore explained that the type of system proposed is a modified sand filter, which is a very effective system for disposal. He said another alternative would be parallel septic tank systems. He said the developer was looking at a couple of options, both of which were acceptable to the State of Georgia.

Mr. Talalai presented engineer's drawings of a proposed system that was under consideration.

Commissioner Black stated that he wanted to be sure that all of the conditions are recorded in the minutes so that there is no misunderstanding between the petitioner and the Board as to what is expected. He asked if these conditions had been written out and could be given to the Board at this time. Mr. Talalai said these conditions had not been written out and had resulted from verbal conversations with the Planning Commission. Commissioner Black said he felt it was important that these conditions be understood.

Chairman Barronton said it was his understanding that one condition was reversion zoning which means that in the event the land is not used for a restaurant, the zoning would revert to R-70.

Commissioner Black said that he understood this to mean that the mill is to be used in an improved form of its current condition. He said he did not want this to be conditional zoning for a restaurant only to see a fast-food operation go in. He said he would like

to see some wording about the mill remaining in tact as must as is physically possible.

Mr. Talalai answered that a structural engineer had reviewed the mill and found that the old timbers are in such bad condition that it could collapse. He said the developer planned to use a crane to dismantle the mill as it is now, but making note of the actual sizing and placing of the timbers. He said that approximately thirty-four percent (34%) of the original timber from the mill would be placed back into this new structure. He said the concept as hown on the drawings before the Board is for a two-story structure, which is the existing part of the mill, and a lower level wrap-around area for additional seating. He said the developer planned to use as much of the original material as possible so as to keep the authentic value. He said the developer was in the process of registering the Old Mill site with the National Historical Society. He said the developer could go anywhere in Atlanta if all he wanted to do was build a restaurant. He said the reason for this proposal was due partially to a love for the historical value of the site.

Chairman Barronton confirmed that everyone understood the proposed restaurant would be of the type described in this meeting.

Chairman Barronton said the next condition concerned acquiring the additional adjacent property to be used for parking and sewerage.

Mr. Talalai agreed with this.

Mrs. Carol Mundt mentioned the conditions relating to the traffic plan for ingress/egress, and the acceleration/deceleration plan as approved by the Department of Transportation and the provision for a caution light to be requested by the Commission but to be paid for by the petitioner.

Commissioner Berkelbaugh added that the zoning would also be conditional on the approval of an accepted sewage treatment plan.

Mr. Modelvesky said it was not mentioned tonight, but during the Planning Commission meeting the developer said the existing structure on the property, sometimes called the "Pink Palace" was to be removed. He wanted to confirm that this would be done.

Mr. Talalai said that the pink block building would be removed.

There was no further discussion.

Chairman Barronton stated that the Board had heard the request from the petitioner and also the conditions upon which the petitioner made this zoning request and which are a part of the minutes of this meeting.

It was moved by Commissioner Berkelbaugh, seconded by Commissioner Black and unanimously voted to approve Petition No. 476-83 with the stipulations that have been discussed here tonight and are a part of the minutes of this meeting. A copy of the Ordinance approving this zoning, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

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SIGN ORDINANCE, DISCUSSION OF: Chairman Barronton stated that Mr. and Mrs. Bill Vail had asked to be placed on the agenda to discuss amendments to the Sign Ordinance which would allow them to install a business sign, but neither Mr. or Mrs. Vail was present.

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Excerpt
Board of Commissioners
February 9, 1984

REZONING PETITION NO.486-83: Rezoning Petition No. 486-83 of Phil Talalai of American International Investment, Inc., involved a request to rezone two (2) acres on Highway 54 West and Old Mill Court, Land Lot 127 of the 5th District, from R-70 to C-C. The Planning Commission recommended approval.

Mr. Phil Talalai explained that he had appeared before this Board in November to obtain C-C zoning on the adjacent property for the development of a historical restaurant. He said the current rezoning request is necessary for the restaurant development to provide additional parking and underground septic tank field lines.

He presented a plat of the property. He explained that the lot under consideration is the front corner lot of Crystal Lake Estates Subdivision and is governed by the Restrictive Covenants of that subdivision. He said the developers had met with the homeowners and lotowners and had made an agreement to amend the covenants to grant acceptance of the lot's being used for part of the restaurant. He said the homeowners requested that the developer buffer the lot so that the residents would not see the parking lot and that the developer use decorative landscaping and the developer had agreed to these two requests.

Commissioner Harris asked if the homeowners had indicated why they were in agreement with the restaurant being developed. Mr. Talalai answered that several homeowners said they were glad that the "Pink Palace", the pink block structure on the property, was coming down.

The Commission reviewed the proposed plat with Mr. Talalai, who added that the developer planned a 100 foot wide buffer completely around the development.

Chairman Barronton asked if anyone wished to speak in opposition to the petition and there was no response.

Commissioner Harris asked why this request was not presented at the same time the rezoning request for the Old Mill site was heard. Mr. Talalai said that they decided to take it one step at a time because the developer did meet some opposition, not from the homeowners, but from the Planning Commission. He said at the time the original site was rezoned, the adjacent property was still under negotiation.

Chairman Barronton confirmed that the original rezoning was approved contingent on this piece of property being rezoned.

It was moved by Commissioner Black and seconded by Commissioner Reid to approve Petition No. 486-83.

Commissioner Harris stated that he had voted for the original rezoning request and in less than twenty-four hours had received several calls about it. He said he would have to oppose the motion on the floor because of his concern for traffic problems.

Mr. Talalai said he appreciated the Commissioner Harris' viewpoint, wanted everyone to be satisfied with the development, and was willing to bear the expense of additional safety features. He added that he felt this area of Highway 54 was destined to become a commercial strip rather than residential.

Commissioner Harris said he hoped that this did not become a commercial strip under current zoning regulations. He said he hoped some day to have zoning provisions for off-road development

behind buffers. Commissioner Harris said he was afraid it would choke Peachtree City if this became a commercial strip.

There were no further comments and Commissioners Black, Reid, and Barronton voted in favor of the motion. Commissioner Harris opposed the motion and Commissioner Berkelbaugh was absent, so the motion carried 3 - 1. A copy of the Ordinance approving the rezoning, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

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STATE OF GEORGIA

COUNTY OF FAYETTE

R E S O L U T I O N

NO. 83 - 486

WHEREAS, Mr. Phil Talalai of American International Investment, Inc. having come before the Fayette County Board of Commissioners on the 9th day of February, 1984, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 2 acres on Highway 54 West and Old Mill Court, Land Lot 127 of the 5th District, Fayette County, from R-70 to C-C for the purpose of allowing the development of a historical restaurant on adjacent property; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

BE IT RESOLVED that the decision of the Fayette County Board of Commissioners, that said request be approved conditional on the developer's buffering the lot so that adjacent subdivision residents would not see the parking lot and on the developer's using decorative landscaping.

This decision is based on the recommendation of the Fayette County Planning Commission.

SO RESOLVED, this 9th day of February, 1984.

BOARD OF COMMISSIONERS

OF

FAYETTE COUNTY

ATTEST:

Carol C. Mundt

CAROL C. MUNDT, CLERK

Jerry Barronton

JERRY BARRONTON, CHAIRMAN

Fayetteville. He said his next priority would be an avenue into Atlanta and this would have to be Highway 85 or 314 unless an alternate route were found.

Chairman Berkelbaugh remarked in closing that his priorities were basically the same as Commissioner Reid's. He stated that much future planning was being done and the Commission was trying to look out for the best interests of the County. He said he knew this proposal was having an emotional impact on people because their land was affected, but added that the County would try to lessen the impact as much as possible. He stated that he did not agree with the 20-foot median and added that he had already expressed his desire that it be reduced to 16 feet. The Chairman said he thought a grass median was necessary to keep the residential atmosphere in that area so there would not be commercial development all along Highway 314. He also said he thought there should be more median cuts for residences. Chairman Berkelbaugh suggested to Mr. Brown that he report to the Commission with suggestions and feedback from area homeowners.

Mr. Brown asked that he be given a copy of the Commission's letter to the D.O.T. for circulation among area homeowners and was assured that he would receive a copy.

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REZONING PETITIONS: Chairman Berkelbaugh explained the procedure for conducting public hearings on rezoning requests. He stated that those speaking in favor of a petition would be heard first, followed by those speaking in opposition. He added that after everyone had an opportunity to speak, the Board would discuss the petition and vote to approve, to deny, or to table the request.

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PETITION NO. 588-86: Petition No. 588-86 of J. Neil Davis, owner and agent, requested the rezoning of 4.43 acres on State Highway 54 West and Old Mill Court, in Land Lot 127 of the 5th District, from C-C Conditional to C-C Conditional, for the purpose of developing a residence and novelty shop. The Planning Commission and County Planner recommended approval of C-C zoning with conditions. This item was tabled from the July 24 Commission meeting.

County Attorney Bill McNally stated that the public hearing on this rezoning petition had been held on July 24 and the matter was tabled prior to the Commission making a decision. He asked if the Board wished to hear from the public and petitioner again.

Commissioner Black pointed out that Commissioner Reid was not present at the July 24 meeting and Commissioner Reid said he would like to hear the presentation.

Mr. Neil Davis said he requested rezoning from C-C Conditional for a restaurant to C-C Conditional for the purpose of converting the Old Mill building into space for retail specialty shops. Mr. Davis said the plans included first renovating the pink building for a residence to allow the developer to maximize the use of the property to the best of its potential. Mr. Davis stated that in the last two meetings no objections were raised in reference to the Mill, the point of objection was the pink building, and therefore his appeal was in reference to the pink building.

Mr. Davis told the Board that when he purchased the property he understood that ordinances allowed a detached residence on a commercial site. He said that County Planner Ron Martin

suggested he rezone. He said he submitted a copy of the plan and proposal to Mr. Martin and Mr. Martin's recommendation to the Planning Commission was to demolish the pink building. Mr. Davis said that after thorough consideration, the Planning Commission removed this condition. He said that Mr. Martin's position limited him to view this proposal as if it were a request to construct a new building at the same location as the existing one. He said that Mr. Martin's point of issue was that the building was too close to the road and was unsatisfactory to be used as a residence. Mr. Davis said that if he were constructing a new building at this location he would be in agreement.

Mr. Davis pointed out that in his research, he found no other residence on Highway 54 to have 100 foot frontage. He said that when the Elams purchased the property it was being used as a restaurant and residence, with parking along Highway 54. He said that plans were submitted by the Elams to the State for a paved parking lot with an entrance and exit on Highway 54 on the State right-of-way. He added that the building was eventually approved for use as a four unit apartment building with parking along Highway 54. Mr. Davis said it was used in this manner until Landmark Development Inc. purchased the property and advised tenants they intended to tear the building down in order to have a parking lot for a restaurant in the Mill. Mr. Davis said that Mrs. Elam refused to let them tear the building down at that time and the property was eventually reposessed and rented to numerous vendors.

Mr. Davis said that he wanted to impress upon the Board that prior to and up until the date of his purchase, the building had been constantly in use. He said that not once was use denied because of its location on Highway 54. He said he felt his constitutional rights were being denied if he was not allowed to use the building because of its proximity to Highway 54.

Chairman Berkelbaugh asked if anyone wish to speak in favor of the petition.

Gary Seggert, property owner across the street from Mr. Davis, addressed the Board in favor of the petition. Mr. Seggert stated that his commercial property would benefit from the improvement of the old mill location.

No one else wished to speak in favor of the petition.

Chairman Berkelbaugh asked if anyone wished to speak in opposition to the petition.

Mr. Russ King spoke in opposition to Mr. Davis' petition. He stated that he did not agree that the old mill site had historical value as a building or was capable of being registered in the National Register of Historical Buildings and Sites because it was reconditioned seven years ago and was not in compliance with State and Federal standards. Mr. King said he did believe the building to have aesthetic appeal to the community and wanted to see the building preserved.

He further stated the issue concerned two pieces of property that had not been joined. He said that Lot 1 was originally part of the Crystal Lake Estates Subdivision and included the portion which bordered on Highway 54 and Old Mill Court. He noted that Warranty Deeds in possession of Crystal Lake Estate Subdivision owners stated that "the herein described property is conveyed subject to the protective covenants and restrictions for Crystal Lake Estates, Phase I, dated September 10, 1980, recorded in Deed Book 227, Page 316". Mr. King said he did not know if Lot 1 was like all the rest of the lots in the subdivision at the time of

recording but the protective covenants and restrictions in effect today stated "wherein it is in the best interest of the lot owners purchasing lots in the subdivision, that covenants and restrictions be established to insure the use of property for attractive residential uses only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, to assure its compatible and coordinated development to maintain the desired quality of the subdivision and thereby to enchance the full economic benefit in general to the property of each owner". He read further from the covenants and restrictions that, "if there is non-complicance with the restrictive covenants and restrictions, that should it go to ligitation, the person that was in violation of those covenants would also have to bear attorney's fees and legal costs associated with whoever had to pursue that matter to get them in compliance."

Mr. King questioned the Board as to whether the protective covenants and restrictions were superseded by subsequent zoning action or remained in effect even with commercial zoning. He said he had a problem with the fact that this property with restrictions and covenants running with the land was ever allowed to become C-C Conditional.

Mr. King stated that when Mr. Talalai, who represented American International Investment, Inc., petitioned for rezoning, he did so in two stages -- the first one being the old mill site and the second being the 2 acres contained in Lot 1. He said both sites were zoned R-70 at the time. Mr. King read from the Commission Meeting minutes dated November 28, 1983, that Mr. Talalai said, "his firm would offer a reversion zoning so that in the event the restaurant was not built according to County regulations and specifications, the C-C zoning would revert to the R-70 residential zoning. He said his intent was to create a historical restaurant and that was his only reason for this application. He added that there were no other commercial reasons for the rezoning request". Mr. King stated that Mr. Talalai made several other statements but that he could not find that they were incorporated into the restrictions that were part of the approval for the rezoning. Mr. King said that Mr. Talalai said, quoting from the minutes, "the developer planned to provide an acceleration/deceleration lane as recommended by the Department of Transporation. He said his firm had also offered to pay the expense for a caution light in this area to slow down traffic".

Mr. King, quoting from the minutes said, "Commissioner Harris asked how the developer managed to keep from having opposition from the residents of Crystal Lake Estates located behind this property. Mr. Talalai answered that residents of Crystal Lake Estates spoke in favor of the proposal." Mr. King said that when it came out as to why they were in favor, Mr. Talalai said, "that his firm offered the reversion zoning in the event the mill/restaurant was not developed and they also understood that to obtain a valid building permit they would need to satisfy County and State regulations". Mr. King quoted Mr. Barronton, reading from previous minutes, saying, "it was his understanding that one condition was reversion zoning which meant that in the event the land was not used for a restaurant, the zoning would revert to R-70". He also quoted Commissioner Black as saying, "that he understood this to mean that the mill was to be used in an improved form of its current condition. He said he did not want this to be conditional zoning for a restaurant only to see a fast food operation go in. He said he would like to see some wording about the mill remaining intact as much as is physically possible."

Mr. King said when Mr. Talalai was asked how he planned to build, Mr. Talalai said the developer would use as much of the original material as possible to keep the authentic value. Also, that the

developer was in the process of registering the old mill site with the National Historical Society. Mr. King said he asked County Historian Carolyn Cary for her opinion and it was her opinion that because the mill was not refurbished in strict compliance with State and Federal regulations, it would never be eligible for registration.

With reference to the minutes dated November 28, 1983, Mr. King said they talked about what was going to be necessary to acquire the additional adjacent property which then was going to be Lot 1, for parking and sewage. Also, according to the minutes, Mr. King quoted Mr. Modelvesky saying, "it was not mentioned tonight, but during the Planning Commission meeting the developer said the existing structure on the property, sometimes called the 'Pink Palace' was to be removed. He wanted to confirm that this would be done. Mr. Talalai said that the pink block building would be removed". Mr. King stated that a primary consideration for non-opposition by the homeowners in that area was to have the pink building torn down so there would be the benefits of the historical restoration, the eyesore would be removed, and there would be no building that later could be converted for commercial use.

Mr. King said that Mr. Talalai came before the Board again on February 9, 1984, in connection with the historical restaurant, and requested that the adjacent property (Lot 1) be zoned C-C. Mr. King said Mr. Talalai stated that the developers met with the homeowners and made an agreement to amend the Covenants to grant acceptance of the lot being used for part of the restarant. Mr. King said that this had not been done and the Covenants had not been amended since they were recorded in the original book. Quoting from minutes dated February 9, 1984, Mr. King said, "the homeowners requested that the developer buffer the lot so that the residents would not see the parking lot and that the developer use decorative landscaping. Mr. Talalai said that the developer had agreed to these two requests". Quoting further, "Commissioner Harris asked if the homeowners had indicated why they were in agreement with the restaurant being developed. Mr. Talalai answered that several homeowners said they were glad that the Pink Palace, the pink block structure on the property was coming down". Still quoting from the same minutes, "the Commission reviewed the proposed plat with Mr. Talalai, who added that the developer planned a 100-foot wide buffer completely around the development."

Mr. King said he was perplexed over the Planning Commission meeting. He said there were ten recommended conditions for the rezoning subject to a novelty shop with the tenth one being that the pink block building be demolished and removed. He said that issue was a major portion of the discussion that evening and it seemed to him that three of the five Board members had a serious problem accepting the fact that the pink palace could be converted into a residence and were concerned that if it was granted, it would result in another rezoning request later. But, he said, the Planning Commission then voted differently than the discussion indicated.

He said that in the Planning Commission meeting the originator of the final motion, Mr. Tom Kerlin, in their minutes, stated "that he felt the pink palace would be undesirable as a residence". Mr. King said that Mr. Kerlin made a motion to approve the petition subject to the recommended conditions with the elimination of item number ten.

Mr. King said at a Homeowners Association meeting members discussed the rights of the parties concerned and wbat would be fair. Mr. King said it was true that he purchased his property knowing that C-C for a historical restaurant was

already in place, but he didn't know the background on it until recently and he was under the impression that it was never going to happen. He said he thought this because it had already passed through two hands with nothing happening and that indicated that it was cost prohibitive, so he was not concerned about it. He said the homeowners position was that they bought knowing that it was zoned C-C for a historical restaurant and Mr. Davis bought the land knowing that it was C-C for a historical restaurant. He said the homeowners were willing to live with that and felt that Mr. Davis should also. He added that if it was going to remain C-C, and they had serious reservations about why it did not revert to R-70, but if it remained C-C they felt it would best serve the community for the pink building to be removed so that it would not become commercial when it became unsuitable as a residence. He said he supported the rezoning request only in light of the things that were talked about and put before the Board concerning buffer, landscaping, the pink palace coming down, the acceleration lanes and all other considerations that were part of the Board's decision for approval of that zoning.

Mr. King said he had reservations about the concept of protective covenants running with the land and the fact that he was facing a condition change rather than a zoning request.

The Chairman asked for a show of hands of any others wishing to speak in opposition to the petition and there was no response.

Commissioner Reid questioned reversion zoning and Mr. McNally stated that ordinarily the County would advertise and hold a public hearing prior to reverting zoning. He said that to his knowledge this was not done.

Commissioner Reid asked if the County was obliged to do this, based on the comments made and Mr. McNally said that according to the minutes it appeared that the County was, unless someone presented another plan that would satisfactorily enable the zoning to continue.

Chairman Berkelbaugh asked Mr. McNally to comment on restrictive covenants and Mr. McNally said that rezoning allowed a particular use of property and a covenant was a contract between property owners. He added that the County had nothing to do with covenants in that property owners could pursue legal means to have covenants enforced but this would be a civil matter between the parties and the County would not be involved.

Mr. Davis said that his plans for Lot 1 exceeded or overexceeded what was restricted on Lot 1 and there would be no change in Lot 1 as it was submitted by Mr. Talalai. He said there would not be as much parking and the drive-thru would not be as wide.

Mr. King stated the requirement for sewage was one reason why Lot 1 was not opposed by the homeowners and there was no such requirement for Mr. Davis' plan.

Mr. Davis said that the existing septic system for the pink building was on Lot 1 and the parking was also on Lot 1. He said he had acquired more land should the County have additional requirements for parking and/or sewage in the future. He added that he was advised by Ron Martin that upon approval, the two pieces of property would be viewed as one.

Mr. Davis questioned whether he would be allowed to have a commercial driveway through Lot 1, which would be residential and Mr. McNally advised that it would have to be done with a variance. Mr. Davis said that homeowners wanted a residential lot that he would not be able to use for commercial use, and that

his plan would alleviate traffic.

Mr. King said homeowners in that area had never had more than one commercial operation and with what Mr. Davis proposed, they might possibly be looking at three commercial situations.

Commissioner Reid wanted to know what kind of guarantee the County would have if Mr. Davis converted the pink building.

Commissioner Black said that while he was not in favor of or against the petition, the discussion between himself and Mr. Davis caused him to believe that the structure would be built if the zoning was granted. He said the rezoning approval could have wording such as "exactly", "as that depicted", or "substantially similar to that which was proposed and shown on drawings dated" whatever the date. He said this could become an eleventh condition of the zoning.

A gentlemen in the audience asked if there was a rendering of the building and Mr. Davis said that he did not have one but would decorate as much as the State would allow. He said there would be no windows or entrance on Highway 54 and the building would be in keeping with appearances on the lake side.

A gentlemen asked about the land use plan and Chairman Berkelbaugh replied that it indicated highway commercial. He explained that the property was already zoned C-C so the land use plan reflected what was already there.

Commissioner Watkins moved that Petition No. 588-86 be approved with the original ten recommended conditions specified by the County Planner. Commissioner Reid seconded the motion for discussion. A copy of the County Planner's Planning Analysis and Recommended Conditions, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Berkelbaugh stated that this was one of the most difficult zonings he had heard, but he felt he had an obligation to uphold the law in this case.

Commissioner Reid said he felt the first rezoning was with the intent that something be done to removal the pink building. He said he felt the Board would be going against the intent from the beginning to do otherwise and for these reasons he would have to support the motion.

Chairman Berkelbaugh said one reason why it was ever rezoned C-C was because the pink building would be torn down. He asked if there was any further discussion.

There was no further discussion and the motion carried unanimously.

Mr. Davis asked how he could submit a plan and the Board approve only a part of the petition. He said if he was not granted his request as submitted to the Board, then he would like for it to be denied, and he would go on with the restaurant as planned.

Commissioner Watkins commented that he was not talking about what Mr. Davis recommended but what the County Planner recommended.

After discussion between the Board, legal counsel and Mr. Davis regarding proper voting procedure and the petitioner's rights, it was moved by Chairman Berkelbaugh, seconded by Commissioner Black, and unanimously voted to rescind the previous motion.

It was then moved by Commissioner Watkins, seconded by Commissioner Reid, and unimously voted to deny Petition 588-86. A

copy of the Resolution denying this petition, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. A copy of Mr. Davis' letter of intent, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. A copy of a petition submitted to the Planning Commission in opposition to the rezoning, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

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SURPLUS PROPERTIES PROGRAM, D.A.S. AUTHORIZATION: Carol Mundt requested authorization from the Board to have Chairman Berkelbaugh sign the Resolution and Non-discrimination Assurance documents required by the Department of Administrative Services for participation in the surplus properties program.

It was moved by Commissioner Watkins, seconded by Commissioner Reid, and unanimously voted to authorize Chairman Berkelbaugh to sign the documents from the Department of Administrative Services.

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ROYAL RIDGE SUBDIVISION, STREET LIGHT DISTRICT: Don Moore presented a petition from owners in the Royal Ridge Subdivision requesting declaration of Royal Ridge as a Street Light District.

It was moved by Commissioner Watkins, seconded by Commissioner Black, and unanimously voted to accept Royal Ridge Subdivision as a Street Light District.

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LAKE PEACHTREE SEDIMENT REMOVAL PROJECT FINANCING: County Attorney Bill McNally presented a Resolution to provide for the issuance of a $1,000,000.00 Tax Anticipation Note for the purpose of funding sediment removal from Lake Peachtree. Mr. McNally then requested that the Board adopt the Resolution and vote to authorize Chairman Berkelbaugh to execute closing documents for a $1,000,000.00 Tax Anticipation Note on behalf of the Board.

It was moved by Commissioner Watkins, seconded by Commissioner Black, and unanimously voted to adopt the Resolution and authorize Chairman Berkelbaugh to execute closing documents in connection with a $1,000,000.00 Tax Anticipation Note for the Lake Peachtree sediment removal project. A copy of the Resolution, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

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RESOLUTION NO. 86 - 18: County Administrator Beckett asked the Board to adopt a Resolution continuing regular meetings at 7:30 on Thursday evening and adding the establishment of regular Board meetings beginning at 10:00 a.m. each Wednesday.

It was moved by Commissioner Black, seconded by Commissioner Reid, and unanimously voted to adopt Resolution No. 86 - 18 adding new meeting times. A copy of said Resolution, identified as "Attachment No. 6", follows these minutes and is made an official part hereof. A press release explaining new meeting times was prepared and distributed to members of the press following this meeting.

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"ATTACHMENT NO. 2"

STATE OF GEORGIA

COUNTY OF FAYETTE

RESOLUTION

NO. 588-86

WHEREAS, Mr. J. Neil Davis, owner, having come before the Fayette County Board of Commissioners on the 14th day of August, 1986, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 4.43 acres on State Highway 54 West and Old Mill Court, in Land Lot 127 of the 5th District, from C-C Conditional to C-C Conditional, for the purpose of developing a residence and novelty shop; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

BE IT RESOLVED that the decision of the Fayette County Board of Commissioners, that said request be denied.

This decision is based on reasons contained in the minutes of the August 14, 1986 Commission meeting, a copy of which is attached hereto and made a part hereof.

SO RESOLVED, this 14th day of August, 1986.

BOARD OF COMMISSIONERS

OF

FAYETTE COUNTY

Dennis Berkelbaugh

DENNIS BERKELBAUGH, CHAIRMAN

ATTEST:

Margaret Malone

MARGARET MALONE, CLERK

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved C-C CONDITIONAL subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That use of the subject property be restricted to specialty retail shops categorized as arts and/or crafts.

2. That retail space on the subject property be limited to the old mill building.

3. That the exterior appearance of the old mill building shall not be changed except for the addition of the proposed porch.

4. That the exit/entrance(s) shall be located so as to provide at least 500 feet horizontal and 350 feet vertical sight distance.

5. To observe the Georgia DOT proposed right-of-way which has been identified for future widening of S.R. 54 as the front property line for all measurements.

6. To provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment as required by the Fayette County Fire Department.

7. To provide off-street parking on the property during the entire construction period.

8. That any exterior illumination device shall not be directly visible nor shall the intensity of such an illuminating device exceed 1.2 footcandles along any adjoining residential property line.

9. That the design and location of signs proposed for the property shall be approved by the Planning Commission.

10. That the block building on the property which is known as the "Pink Palace" shall be demolished and removed prior to the issuance of any development-related permits by the County.

APPLICANT AGREED WITH ALL EXCEPT 10.
PLANNING COMMISSION RECOMMENDED THE REMOVAL OF CONDITION 10. AND ADDITION OF A NEW 10., AS SHOWN.

10. There shall be no driveway access to Old Mill Court.

"ATTACHMENT NO. 3"

J. Neil Davis
1440 Highway 85, South
Fayetteville, GA 30214

June 10, 1986

Mr. Ron Martin, County Planner
Planning & Zoning
200 Courthouse Square
Fayetteville, GA 30214

RE: Rezoning of Property
Located on S. R. 54, West
Land Lot 127 of the 5th District
Total Acreage: 4.43

Dear Mr. Matin:

It is my intent to rezone the above-referenced property from C-C Conditional to C-C Conditional for the prupose of using the existing Old Mill Building (extending to the extent of adding a wrap-around-porch) for selling arts and crafts. There will be 18 new parking spaces at the beginning and as business starts to expand future parking will be added.

It is my intent to renovate the existing building to my residence. It will be completely renovated to conform with the existing area.

This property was rezoned to C-C Conditional originally for the purpose of constructing a restaurant; however, at the present time, I am financially unable to promote this venture. Also, since the D.O.T. will start the widening of S. R. 54, and will probably take approximately three years for this construction, I feel after this widening there will be other possibilities available for this tract of land.

I can only feel this will enhance this piece of property for the surrounding property owners by all the improvements being done to the existing building and the Old Mill building.

Sincerely, J Neil Davis

JUN 10 1986

Chairman Berkelbaugh thanked Mr. Carter and said the Board would take what he said into consideration. Chairman Berkelbaugh further informed Mr. Carter that the law specifically said a person must meet with the Tax Equalization Board and after that must appeal with the Superior Court. He explained that the Commission had no power over the Tax Equalization Board that it was set up apart from the County Commission so that there would be no undue influence.

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NEIL DAVIS, REZONING REQUEST: Mr. Davis requested that he be permitted to resubmit a rezoning petition without waiting the six months required by law for land included in Petition No. 588-86, which was denied on August 14, 1986. Mr. Davis said his intent was to rezone this property to C-C Conditional for a restaurant and retail specialty shop and residence, to remove the pink block structure on the property, and to construct a new residence beside the mill.

Commission Black said he understood State law required that a denied rezoning petition not be resubmitted for at least six months from the date of denial.

Attorney Mark Mahler commented that the new State zoning procedures law went into effect during January of this year and was adopted by this Board in March. Mr. Mahler said State law called for a six month waiting period but the County opted to include a provision allowing a petition to be resubmitted in less than six months if approved by a four-fifths vote of the Board. He added that normally State law would overrule a county zoning ordinance but this was a gray area since the Supreme Court had not tried a case of this nature.

Commissioner Reid said he liked the fact that Mr. Davis was eliminating the reason he voted against the petition originally, that being reluctance to remove the pink block building. He added that he was concerned about the State overruling the Commission's decision if the Board voted to waive the waiting period.

Mr. Davis said he was not sure a residence would be allowed on the property under existing C-C Conditional zoning for a restaurant only. County Planner Ron Martin commented that although a single-family residence would be permitted under commercial zoning, the language of the Resolution and minutes of the rezoning meeting seemed to limit the use of that property to a restaurant.

Chairman Berkelbaugh said it seemed to him that all objections had been removed from the proposed rezoning request.

Commissioner Reid asked if the proposed 1200 square foot home would meet building requirements and Mr. Martin said that size home would be permitted in commercial and M-1 districts. Mr. Martin said Mr. Davis indicated he wanted to build a home in keeping with the appearance of the mill and had conferred with the Fire Marshal and Health Department officials.

Commissioner Reid asked if Lot 1 would be part of the rezoning and Mr. Davis advised that both lots would have to be incorporated into one lot.

Commissioner Watkins asked how soon this could come before the Planning Commission if resubmittal were approved and Mr. Martin said it could be on the November agenda. Chairman Berkelbaugh advised that the Board of Commissioners could not hear the petition until December because of rescheduled meetings for November and December.

County Planner Martin said he was in favor of the proposal and felt it was feasible and in keeping with overall goals of the County. Mr. Martin said the only obstacle might possibly be conflict between local and State law.

It was then moved by Commissioner Reid and seconded by Commissioner Watkins to allow Mr. Davis to resubmit a rezoning petition prior to the end of the six months waiting period. The motion carried 4 - 1 with Commissioners Reid, Watkins, Berkelbaugh, and Mask voting in favor of the motion and Commissioner Black opposing.

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday evening, February 26, 1987 at 7:30 in the third floor meeting chambers of the Fayette County Courthouse, on the Square, Fayetteville, Georgia.

COMMISSION MEMBERS PRESENT: Chuck Watkins, Chairman
Bill Bonner
Grace Caldwell
Charles Mask

COMMISSION MEMBERS ABSENT: Mike Reid

STAFF MEMBERS PRESENT: Billy P. Beckett, County Administrator
Carol Mundt, Assistant County Administrator
Margaret Malone, County Clerk
W. R. McNally, County Attorney
Don E. Moore, County Engineer and Director of Public Works

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Chairman Watkins called the meeting to order. An Invocation was delivered by Commissioner Bonner, followed by the Pledge to the Flag.

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BOY SCOUT TROOP 76: Chairman Watkins recognized members of Boy Scout Troop 76 who were present in connection with work on Citizenship Badges.

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RESOLUTION NO. 87-03 ON THOMPSON ROAD: County Attorney McNally read the proposed resolution abandoning a portion of Thompson Road and explained that this public hearing had been advertised and adjacent property owners had been notified.

The Chairman asked for public comment on abandoning a portion of Thompson Road.

Mr. Danny Campbell spoke in favor of closing Thompson Road because he said people from other counties were using the area as a landfill and were cutting pasture fences and stealing gates.

The Chairman confirmed that no one else wished to speak in favor of or in opposition to the closing.

It was moved by Commissioner Caldwell, seconded by Commissioner Mask, and unanimously voted to adopt Resolution No. 87-03 abandoning a portion of Thompson Road. A copy of said Resolution, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

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REZONING PETITIONS: Chairman Watkins explained the procedure for conducting public hearings on rezoning requests. He stated that those speaking in favor of a petition would be heard first, followed by those speaking in opposition. He added that after everyone had an opportunity to speak, the Board would discuss the petition and vote either to approve, to deny, or to table the request.

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PETITION NO. 608-87: Petition No. 608-87 of J. Neil Davis, owner and agent, requested the rezoning of 4.43 acres on Highway 54 West and Old Mill Court, in Land Lot 127 of the 5th District, from C-C Conditional to C-C Conditional for the purpose of converting an old mill structure into a restaurant/retail specialty shop and erecting a single-family dwelling. The County Planner recommended approval with conditions and the Planning Commission recommended approval with the Planner's conditions plus one additional condition.

Mrs. Kay Davis said everyone was familiar with this rezoning request which was denied by the Board in August. She said she thought the denial was because the Board felt the pink block structure on the property needed to be removed and she and her husband had now reluctantly agreed to remove that building. She said their goals had not changed from the original plans except that now they agreed to tear down the "Pink Palace", the pink concrete block structure on the property.

The Chairman asked if anyone wished to speak in favor of the petition and there was no response.

The Chairman asked if anyone wished to speak in opposition to the petition.

Attorney Don Germano said he was a resident of Fayette County and represented fifteen families from Crystal Lakes Estates Subdivision. He presented a list of names and addresses of those opposing the petition. A copy of this list, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. He asked that those residents from Crystal Lakes Estates Subdivision present in the meeting stand and they did so.

Mr. Germano said that the families did not necessarily oppose the rezoning of the property as it was presented tonight and if Mr. Davis was willing to work with these families in an effort to retain the residential character of the community, they would work with him. He said the main concern was fear of unlimited commercial property with all that it implied --traffic, congestion, noise, and continuous activity.

Mr. Germano said many of these people bought into this neighborhood with the understanding that the property at the Old Mill had been rezoned from R-70 to C-C Conditional for a restaurant, but with a reversionary clause. He explained that residents understood this to mean that either a historical restaurant would be built or the zoning would revert to R-70. He said residents would prefer R-70 zoning but would accept the C-C zoning as passed by the Board of Commissioners with provisions for buffers, landscaping, acceleration/deceleration lanes, and a signal light to be installed at the developer's expense. Mr. Germano said Mr. Davis knew of conditions on the zoning when he purchased the property. Mr. Germano concluded by saying that residents would accept the rezoning with all twelve Recommended Conditions.

At this point Mr. Davis reviewed the twelve conditions and said he would accept all conditions.

Mr. Germano continued and said that in a separate zoning action Lot 1, which adjoined the Old Mill, was zoned from R-70 to C-C Conditional for the purpose of parking and a drainage field, incidental to the restaurant. Mr. Germano said he thought on February 9, 1984, the Board approved the original C-C Conditional zoning for Lot 1 and this provided for parking, a drainage field, and a 100-foot buffer. He requested the 100-foot buffer remain in place instead of the 50-foot buffer mentioned as Item No. 10 in the Recommended Conditions.

Mr. Germano said residents did not have any problem with there being a residence on Lot 1 but were concerned about a residence on the Old Mill property with commercial activity next to it. He said the concern was that commercial traffic might be intermingled with residential traffic. He said residents would prefer that wording be changed in Condition No. 11 to clarify access to Lot 1 as a residence only and to direct that no commercial traffic use this access.

Mr. Germano concluded by saying that residents were not in opposition, but supported all twelve conditions with modifications to Conditions No. 10 and 11.

Chairman Watkins confirmed that no one else wished to speak.

Chairman Watkins asked the County Planner about the buffer requirement of Condition No. 10 and Mr. Martin said the Zoning Ordinance required a 30-foot buffer but the applicant had agreed to a 50-foot buffer. Chairman Watkins commented that a 100-foot buffer would just about use

up all of the property.

Commissioner Bonner said he did not see much difference in a 50-foot buffer and a 100-foot buffer since there was going to be a one-hundred percent visual screen 6-feet tall.

Commissioner Caldwell asked Mr. Davis if the Old Mill was to be a restaurant. Mr. Davis said that the restaurant would be part of the Old Mill, however, this plan would give him some flexibility to keep from having to put a restaurant in at this time. Mr. Davis added that the D.O.T. would be working on Highway 54 for approximately two years and he did not think it was economically feasible to convert the building to a restaurant now. He said his intent was to begin activity in the building through a retail novelty shop.

Mrs. Pam Payne asked if Mr. Davis would have to rezone if he wished to convert his residence into commercial use. County Planner Ron Martin said that if a residence was not built on Lot 1, it could be converted to commercial use only if Mr. Davis could provide the necessary parking to accommodate the added retail square footage. Mrs. Payne said she was opposed to anything other than a residence on Lot 1.

County Planner Ron Martin said that nothing other than a residence could be built on Lot 1.

Mr. John Dipetta questioned the drain field for the restaurant being on Lot 1 as he thought this was a contradiction. Mr. Martin said that Lot 1 was a two-acre lot and based on his calculations, it was going to be difficult to provide parking to accommodate the retail activity. He added that in his estimation it would be difficult to provide parking for the restaurant simply because restaurants required twice as much parking as retail activity. He said the entire area could not be used at this point because a site plan to engineering standards had not been submitted and approved.

Mr. Neil Davis explained that he planned to have arts and crafts in the mill and in the future the residence would be connected to the mill and would become the kitchen for the restaurant.

The Board discussed possible wording of Condition No. 11 and agreed that adding the phrase "on Lot 1" would clarify that condition.

It was moved by Chairman Watkins, seconded by Commissioner Mask, and unanimously voted to accept the recommendation of the Planning Commission and County Planner and to approve petition No. 608-87 with the 12 Recommended Conditions and to add the wording "to Lot 1" at the end of Condition No. 11. A copy of the Recommended Conditions and the County Planner's Planning Analysis, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution granting said petition, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

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PETITION NO. 609-87: Petition No. 609-87 of W. R. Clifton, owner, and Haycliff Greens, Inc., agent, requested the rezoning of 51.33 acres on Kenwood Road, in Land Lot 228 of the 5th District, from A-R to R-45 for the purpose of developing a single-family residential subdivision. The Planning Commission and County Planner recommended approval with conditions.

Mr. Clifton requested approval of his request and said he agreed to the conditions.

The Chairman asked if anyone wished to speak in favor of the petition and there was no response.

The Chairman asked if anyone wished to speak in opposition to the petition.

Mr. Richard Hendrix asked what A-R zoning included and County Planner Martin listed permitted uses and setback requirements for A-R zoning.

STATE OF GEORGIA

COUNTY OF FAYETTE

R E S O L U T I O N

NO. 87 - 608

WHEREAS, Kay and Neil Davis, owners, having come before the Fayette County Board of Commissioners on the 26th day of February, 1987, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 4.43 acres on Highway 54 West and Old Mill Court, in Land Lot 127 of the 5th District, from C-C Conditional to C-C Conditional for the purpose of converting an old mill structure into a restaurant/retail specialty shop and erecting a single-family dwelling; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

BE IT RESOLVED that the decision of the Fayette County Board of Commissioners, that said request be approved C-C CONDITIONAL subject to the owner's agreement to the following enumberated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede:

1. That use of the subject property be restricted to specialty retail shops categorized as arts and/or crafts, a restaurant and a single-family detached residence.

2. That the exterior materials of the house shall be the same as those comprising the mill.

3. That the exterior appearance of the old mill building shall not be changed except for the addition of the proposed porch.

4. To observe the Georgia D.O.T. proposed right-of-way which has been identified for future widening of S.R. 54 as the front property line for determining all measurements and dimensional requirements.

5. To provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment as required by the Fayette County Fire Department.

6. To provide off-street parking on the property during the

entire construction period.

7. That the light source from any exterior illumination device shall not be directly visible along any adjoining residential property line.

8. That the design and location of signs proposed for the property shall be approved by the Planning Commission.

9. That in accordance with the condition volunteered by the previous owner, the owner agrees that the block building on the property which is known as the "Pink Palace" shall be demolished and removed prior to the issuance of any development related permits by the County.

10. That the buffer adjoining Lot 2, Crystal Lake Subdivision shall be a minimum of 50 feet and shall be improved with a planted screen at least 6 feet tall.

11. The property shall have no direct access to Old Mill Court ~~except to~~ serve a residence on Lot 1.

12. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling.

This decision is based on the recommendation of the Fayette County Planning Commission and County Planner.

SO RESOLVED, this 26th day of February, 1987.

BOARD OF COMMISSIONERS

OF

FAYETTE COUNTY

Chuck Watkins

CHUCK WATKINS, CHAIRMAN

ATTEST:

Margaret Malone

MARGARET MALONE, CLERK

4. **Consideration of Petition No. 1212-08, J. Neil and T. Kay Davis, Owners/Agents, request to rezone 4.437 acres from C-C Conditional to C-C to alleviate the current conditions; to also use the Old Mill structure for a corn grist mill in its historical context; and to allow the uses in the C-C Zoning District; and consideration of Petition No. RP-043-08 to change the use of Lot 1 of Crystal Lake Estates consisting of 2.334 acres (part of the 4.437 acres) from a single-family dwelling to the uses allowed in the C-C Zoning District. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West and Old Mill Court.** *Staff recommended approval with conditions.*

Kay Davis thanked the PC for considering her previous petition even though she disagrees with the decision. She advised that the property is currently zoned C-C with several conditions and she is asking to have the property zoned C-C.

Neil Davis stated that they were unclear about the recommended conditions because they have no intentions of building a house on Lot 1 where the septic tank lines are located. He added that they have no intentions of putting a driveway into the subdivision. He also added that they had no intentions of putting old folks and children next to the water. He said that the Staff's recommended conditions were basically common sense conditions. He questioned why Staff is still trying to say that they can build a house on Lot 1. He remarked that the mill building had been there since 1837. He noted that the building is large and should be able to be used for more purposes than a restaurant. He said that they want the uses to be lifted on the building. He commented that the people were present tonight because they want to protect their homes; however, if they don't know by now what type people he and his wife are, they never will. He confirmed that they are willing to agree to the Staff's recommended conditions.

Mrs. Davis said that the Staff Analysis kept referring to Lot 1 of Crystal Lake Estates; however, the lot had been combined with the mill building property and recorded as a single piece of property.

Chairman Powell advised that there was an existing plat recorded at the Clerk of Superior Court's Office which still includes Lot 1. He stated that back when Crystal Lake Estates was developed that there was not a requirement to revise a Final Plat for a change of use until 1995. He confirmed that Mr. and Mrs. Davis have a 4.437 acre tract zoned C-C Conditional.

Mrs. Davis said that it was her understanding that when you rezoned a piece of property now that you cannot condition the uses.

Chairman Powell replied that it depends on who you talk to.

Jim Graw replied that Mrs. Davis was correct because the courts in the early '90's ruled that conditional zoning is illegal when uses are taken away which would otherwise be allowed.

Mrs. Davis said that they want to be able to use the property and that they are trying to market the property for resale or lease. She reported that the restricted uses have hurt them financially and also the County because there is no revenue being generated. She reiterated that there would be no structure built on Lot 1 because of the septic lines. She asked the PC to approve the petition.

Chairman Powell read the existing recommended conditions to the audience as follows:

1. That use of the subject property be restricted to specialty retail shops categorized as arts and/or crafts, a restaurant, and a single-family detached residence.

2. That the exterior materials of the house shall be the same as those comprising the mill.

3. That the exterior appearance of the old mill building shall not be changed except for the addition of the proposed porch.

4. To observe the Georgia D.O.T. proposed right-of-way which has been identified for future widening of S.R. 54 as the front property line for determining all measurements and dimensional requirements.

5. To provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire fighting equipment as required by the Fayette County Fire Department.

6. To provide off-street parking on the property during the entire construction period.

7. That the light source from any exterior illumination device shall not be directly visible along any adjoining residential property line.

8. That the design and location of signs proposed for the property shall be approved by the Planning Commission.

9. That in accordance with the condition volunteered by the previous owner, the owner agrees that the block building on the property which is known as the "Pink Palace" shall be demolished and removed prior to the issuance of any development related permits by the County.

10. That the buffer adjoining Lot 2, Crystal Lake Subdivision shall be a minimum of 50 feet and shall be improved with a planted screen at least six (6) feet tall.

11. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1.

12. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling.

Chairman Powell pointed out that some of the recommended conditions are no longer applicable with the passing of time such as: 1) Removal of the "Pink Palace"; 2) Off-site parking during construction; 3) Sign to be approved by the PC, and 4) Light source from exterior illumination devices.

Al Gilbert read the proposed Recommended Conditions to the audience:

1. Any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters due to the location of the property and the structure in the floodway/floodplain shall be prohibited. These uses include: Adult Day Care, Day Care Facilities (Nursery School or Kindergarten), Care Home, Convalescent Center or Nursing Home, Automobile Service Station, including gasoline sales in conjunction with a Convenience Store. The aforementioned uses are Conditional Uses in the C-C Zoning District. *(This condition is to ensure the protection of the health, safety, and welfare of the public and to ensure protection for Whitewater Creek as a drinking water source.)*

2. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1. *(This condition is to provide control with commercial traffic intermingling with residential traffic. Old Mill Court is classified as an Internal Local (interior subdivision street) and should not be accessed by nonresidential traffic.)*

3. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling. *(This condition is to assist in the retention of the residential character of Crystal Lake Estates Subdivision.)*

Chairman Powell read the C-C Permitted Uses to the audience:

1. Amusement or Recreational facility;

2. Appliance sales and repair, etc.;

3. Art studio;

4. Auto parts and Tire store, retail;

5. Bakery;

6. Bank;

7. Barber shop;

8. Beauty shop;

9. Business school;

10. Catering service;

11. Church and customary related uses;

12. Clothing store and variety store;

13. College, University, including Dormitory and Fraternity or Sorority house when located on main campus;

14. Cultural facility;

15. Dance school or Studio;

16. Dental office;

17. Department store;

18. Drug store;

19. Dry goods store;

20. Financial institution;

21. Florist;

22. Gift shop;

23. Grocery store;

24. Growing crops, garden, shrubbery, flowers, etc. and related sales;
25. Gunsmith;
26. Home occupation;
27. Jewelry shop;
28. Laboratory serving professional requirements, (e.g. medical, dental, etc.);
29. Laundry pickup station;
30. Library;
31. Locksmith;
32. Medical office;
33. Messenger service;
34. Museum;
35. Music teaching studio;
36. Novelty shop;
37. Office equipment sales and service;
38. Parking garage;
39. Photography studio;
40. Private clubs or Lodges;
41. Radio studio;
42. Restaurant;
43. Retail establishment;

44. School;

45. Shoe repair;

46. Taxidermist;

47. Taxi service;

48. Telegraph service;

49. Television studio; and

50. Watch repair.

Chairman Powell asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition.

Attorney Patricia Buttaro stated that the main concern was condition #1. regarding specialty retail shops categorized as arts and/or crafts, a restaurant, and a single-family detached residence. She pointed out that such uses as a putt-putt, Pep Boys, and so many other things could fall under the C-C zoning district. She said that once the conditions are removed that the building could be torn down by someone and rebuilt to suit their use for the property which they have purchased. She remarked that there are many things which could be used in the building just as it is and there are many things that the neighbors of Crystal Lake would be more than happy to see come in there. She commented that a restaurant had been the highest and best use in the past number of years. She noted that it is already zoned for its highest and best use that it has proved to be for the neighbors in the community. She remarked that the Old Mill was a great place to go eat with a wonderful atmosphere with an ambiance that you will not find anywhere else. She pointed out that the Davises want to use the mill for a corn grist mill which is wonderful. She added that the neighbors would have no objection to this at all and they would love to see it operated as a grist mill which is its historical roots. She commented that this type use is very successful throughout the State. She remarked that the PC is uncertain about the Court's ruling regarding conditional zoning. She confirmed that it would be considered an improper taking if the County approves someone carte blanch to do what they want and then tells them no they can't. She added that she did not know if you could initially condition property. She said without the recommended conditions that anyone could do whatever they want to do with that property such as tearing it down and put any kind of building there. She commented that the neighbors would like to see the existing conditions modified by adding a grist mill or other specific businesses. She added that the neighbors would not object to a museum, an art gallery, a restaurant, and a number of other uses. She remarked that the Davises are having trouble selling the property with the existing conditions then this is not what somebody

wants to do to this property because they want to come in an tear it down and do something other than run a restaurant such as a Pep Boys or National Tire. She stressed that if the zoning is changed that the County can't stop National Tire from locating there. She reiterated that the property had done very well as a restaurant in the past so it is conditioned to one (1) of its best uses. She noted that the property is not suited for all of the 50 Permitted Uses in the C-C zoning district plus the 16 Conditional Uses. She said that auto body repair, campground facilities, church or religious ten meeting, commercial driving range, dry cleaning plant, fraternities and/or sororities with toga parties, golf course, kennel, 24 hour Laundromat, and telephone, and electric or gas sub-station or other public utility facilities would be allowed. She commented that the neighbors would be glad to agree to anything that is reasonable and which will not impact the neighborhood. She said that everyone on the lake will be affected. She remarked that the historical integrity of the building should be preserved and it should be kept from being torn down. She asked the PC to deny the petition or modify condition #1. to accommodate additional uses.

Teresa Joiner of 325 Old Mill Court stated she was hearing two (2) different things tonight from the Davises. She said that they are talking about a grist mill but are definitely saying they have the property for sale and the main objective it to get the property where it will sell for the price that they think it is worth. She commented that they did not care what happens to it after that point. She noted that the houses in Crystal Lake Estates have been remodeled and the owners have a lot of money in their houses. She reported that the owners can't get what they have in their houses because of the real estate market. She remarked that the beautiful pristine trees reflect in the clean lake and she did not want to see this ruined. She said that not knowing the uses seems out of touch with Fayette County. She stated that she could understand consideration if there was a buyer who had plans but not tonight. She commented that a historical location in Fayette County should not be utilized for anything anybody wants to do with it. She remarked that when the Davis's dam broke a few years ago, the residents of the subdivision helped them to haul the fish out. She said that they asked everyone in the subdivision to pay the same amount toward the dam to get it repaired that they were paying and everyone agreed. She added that later they were told that it was going to cost a whole lot more. She stated that everyone put significant amounts of money into the dam. She commented that they say that they care about this piece of land but she does not see it.

Al Gilbert stressed that personal problems should not be addressed because it does not enter into the PC's decision.

Alice Rodriguez of 315 Old Mill Court said that she was fairly new to the neighborhood (7 years). She commented that she had moved from Gwinnett County because of encroachment of commercial zoning on residential property. She remarked that she chose Crystal Lake Estates because her neighbors would not be transient and were vested in the community. She stated that the heart of the community thrived in the hearts of the people. She asked what would happen when there is traffic which is commercially based, strangers who use the subdivision street for turning around. She said

that no one had mentioned the stranger affect of rezoning when no one know what is going to be there and the kinds of strangers that will be ushered into the community. She requested denial for intangible reasons.

Chairman Powell confirmed that letters of opposition had been submitted from the following:

Elizabeth Barnes of 120 Lakeview Court, Lakeview Estates.

Brian A. and Suzanne M. Robbins of 170 Old Mill Court, Crystal Lake Estates.

Roger E. and Carole L. Derflinger of 180 Old Mill Court, Crystal Lake Estates.

Ben S. and Joyce S. Malcom of 200 Old Mill Court, Crystal Lake Estates.

Marla and Andrew R. Kreider, II of 285 Old Mill Court, Crystal Lake Estates.

John and Mary Sciera of 230 Old Mill Court, Crystal Lake Estates.

Varner Holmes of 140 Old Mill Court, Crystal Lake Estates.

Will and Colleen Jourdan of 160 Old Mill Court, Crystal Lake Estates.

Alice Brown Rodriguez of 315 Old Mill Court, Crystal Lake Estates.

Anthony P. Rodriguez of 315 Old Mill Court, Crystal Lake Estates.

Stanley D. Ensley of 190 Old Mill Court, Crystal Lake Estates.

Nancy L. Barham of 150 Old Mill Court, Crystal Lake Estates.

Pat and David Burdette of 220 Old Mill, Crystal Lake Estates.

In rebuttal, Mr. Davis stated that what is for sale or lease is a historic building. He said that the value of the property is the building itself. He commented that no one would buy or lease the property and tear the building down. He remarked that there have been problems leasing the building due to the restrictions. He commented that someone wanted to lease the building for antiques but was told she could not locate there because of the restrictions. He confirmed that the property has been kept very nice because he and his wife have made it a point to keep it looking nice. He reported that they had received many inquiries about leasing the property but not for a tire store or laundromat. He noted that if the building was torn down that it could not be rebuilt because of the flood restrictions. He

said they were simply trying to expand the uses. He stated that no one was knocking down the door to lease the building for a restaurant.

Mrs. Davis pointed out that even with the Staff's recommended conditions that they would be able to lease or sale the property. She asked the PC to approve the rezoning petition.

Chairman Powell thanked Mr. and Mrs. Davis for building a jewel in the County.

Mrs. Davis thanked Chairman Powell for his comments.

At this time, Chairman Powell closed the floor from public comments.

Chairman Powell asked Bryan Keller, the Development Engineer, to explain the constraints of the property.

Bryan Keller advised that the old mill is located in a floodway which is defined as an area where flooding will occur and is known to occur. He commented that approximately 70% of the property is in the floodway. He reported that under the current regulations, nothing could be constructed new. He noted that if the old mill were destroyed, it could not be rebuilt. He added that the floodplain restrictions are very intense in regards to flood proofing the building and requires the minimum finished floor elevation has to be three (3) feet above the 100 year floodplain elevation. He reported that no more impervious surface could be added to the site due to the stormwater regulations. He confirmed that the remaining property is under the 100 foot watershed buffer plus a 50 foot watershed setback and no structures, impervious surface, or nitrification fields may be added to this area. He commented that the recent Floodplain Ordinance was adopted last month and went into effect October 1, 2008, and the Watershed Ordinance was adopted in 1987.

Chairman Powell added that these ordinances are required by State regulations and the County develops its own local ordinance to comply with the State regulations.

Bill Beckwith asked if a corn grist mill would be allowed.

Pete Frisina replied that the building is a grist mill and Staff has no objection, as long as, Mr. Davis only grinds some corn and produces a small gift bag of corn to resale. He added that he had cautioned Mr. Davis that semi-tractor trailers of corn would be prohibited.

Jim Graw said that future buyers are not bound by conditions placed on a piece of property.

Chairman Powell replied that the conditions run with the property not the owner.

Mr. Graw stated that the owner of the property could challenge the conditions in court and the court could say that the conditions are invalid. He said he was confused about the revision to a recorded final plat since Lot 1 had been combined with the adjacent property. He pointed out the following options: 1) Remove the conditions (provides 50 plus possible uses for the property); 2) Make no changes; 3) Recommend Staff's recommended conditions; or 4) Rezone the property to O-I and add restaurant and corn grist mill.

Mr. Graw advised that there were 16 O-I uses plus the uses they have now. He said that this would dramatically reduce the uses. He commented that in the future, a better septic system may come about and the septic system could be removed from Lot 1 and someone may want to build a house on Lot 1. He said he would like to see a revised plat of Crystal Lake Estates with Lot 1 removed. He stressed that he saw other options available and added that there are too many uses allowed in C-C.

Chairman Powell read the Permitted Uses in O-I to the audience:

1. Office;
2. Art Gallery;
3. Clinic (Human Treatment);
4. College or University;
5. Dance Studio or School;
6. Financial Institution;
7. Health Club or Fitness Center;
8. Insurance Carrier, Agent or Broker;
9. Laboratory, Medical or Dental;
10. Legal Services;
11. Massage Therapy;
12. Museum;
13. Performing Arts Theater;

14. Professional Services;

15. Real Estate Agent or Broker; and

16. School, Private and Special.

Mr. Graw said that the courts have not said that you can't add uses, you just can't restrict uses.

Chairman Powell expressed concern about setting a precedent by allowing a restaurant in O-I.

Al Gilbert advised that there is a S.R. 54 West Overlay Zone which requires architectural standards.

Mr. Frisina pointed out that under the S.R. 54 West Overlay, any structure is required to have the same characteristics as a residence such as a pitched peaked roof with an established pitch, doors, windows, and facades which are residential in character. He added that the existing building meets these requirements.

Tim Thoms said that he had never seen so much baggage with a rezoning petition. He concurred that the site is a jewel of a piece of property. He stated that the petitioner is requesting a straight C-C zoning. He noted that the properties had been joined into one (1) tract; however, the final plat for Crystal Lake Estates has never been revised to remove Lot 1 from the subdivision. He pointed out that if the use of Lot 1 was not changed from a single family dwelling that the final plat would not be required to be revised. He commented that the property could sale and someone may want to develop a restaurant or the new owner may want to develop a different use allowed in the C-C zoning district. He confirmed that the C-C did not comply with the Land Use Plan which shows Conservation Area and Low Density Residential. He remarked that Staff and the PC have spent a lot time on this rezoning in order to do what is best for the petitioner and the community. He said that he is leaning toward Staff's recommendation; however, there may be other uses which need to be excluded based on public health, safety, and welfare and also potential environmental hazards.

Chairman Powell reported that he had visited the Historical Society; however, the old mill is not on the National Register. He added that he had contacted the Water System to see if Bennett Lake could be brought into the County water system; however, this is not possible because the property lines go out into the lake. He pointed out that the intent was to zone this property as a historic old mill restaurant and not C-C. He added that the County would not approve this property to be rezoned from R-70 to C-C today. He advised that the County had previously denied two (2) rezoning requests for lots in a subdivision from residential to nonresidential.

Mr. Graw reiterated that the property could be rezoned O-I with a restaurant and a corn grist mill.

Mr. Frisina advised that a restaurant is not a use allowed in the O-I zoning district and he would not recommend conditioning a rezoning to allow a use which is not within that zoning district.

Tim Thoms made a motion to recommend approval of the petition subject to the three (3) recommended conditions as presented by Staff. Al Gilbert seconded the motion.

Mr. Gilbert stated additional excluded uses based on public health, safety, and welfare and environmental hazards should be added to the recommended condition.

Chairman Powell suggested that the PC review the list of uses further.

Tim Thoms withdrew his motion. Al Gilbert withdrew his second.

The PC discussed the following uses as being excluded uses based on public health, safety, and welfare and environmental hazards.

Appliance sales and repair, etc.

Auto parts and Tire store, retail

College, University, including Dormitory and Fraternity or Sorority house when located on main campus

Parking garage

School

Taxidermist

Adult Day Care Facility

Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic

Automobile Service Station, including gasoline sales in conjunction with a Convenience Store

Campground Facilities

Care Home, Convalescent Center or Nursing Home

Day Care Facility (Nursery School or Kindergarten)

Dry Cleaning Plant

Fraternities and/or Sororities

Hospital

Kennel (See Animal Hospital, etc.)

Laundromat, Self-Service or Otherwise

Mr. Graw stated that this is why the courts ruled like they did back in the early '90's. He said that this was the most arbitrary and capricious activity that he had seen in his 13 years on the P.C. He reiterated that this is arbitrary and capricious and that he was going to vote in opposition to the motion. He remarked that he is not going to be involved in something which is totally illegal. He pointed out that there are chemicals involved in about every use there is. He asked if the PC was going to say that a taxidermist was not going to be allowed to go in next to a school. He said that this is getting silly and he is getting upset about this.

Chairman Powell replied that he did not feel excluding these uses was illegal because it is based on public health, safety, and welfare and environmental hazards.

Chairman Powell allowed Mrs. Davis to speak.

Mrs. Davis requested that the wording on recommended condition #1. be specific.

Tim Thoms made a motion to recommend approval of the petition as C-C Conditional with recommended conditions #2 and #3 as submitted and recommended condition #1 being amended as follows:

1. Any uses that may cause personal hazards, injury, or safety hazards and any use that may cause an environmental hazard to the State waters due to the location of the property and the structure in the floodway/floodplain shall be prohibited. These uses include: Appliance sales and repair, etc., Auto parts and Tire store, retail, College, University, including Dormitory and Fraternity or Sorority house when located on main campus, Parking garage, School, Taxidermist, Adult Day Care Facility, Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic, Automobile Service Station, including gasoline sales in conjunction with a Convenience Store, Campground Facilities, Care Home, Convalescent Center or Nursing Home, Day Care Facility (Nursery School or Kindergarten), Dry Cleaning Plant, Fraternities and/or Sororities, Hospital, Kennel (See Animal Hospital, etc.),

15. Dance school or Studio;

16. Dental office;

17. Department store;

18. Drug store;

19. Dry goods store;

20. Financial institution;

21. Florist;

22. Gift shop;

23. Grocery store;

25. Growing crops, garden, shrubbery, flowers, etc. and related sales;

25. Gunsmith;

26. Home occupation;

27. Jewelry shop;

29. Laboratory serving professional requirements, (e.g. medical, dental, etc.);

29. Laundry pickup station;

30. Library;

31. Locksmith;

32. Medical office;

33. Messenger service;

34. Museum;

35. Music teaching studio;

36. Novelty shop;

37. Office equipment sales and service;

~~38. Parking garage;~~

39. Photography studio;

40. Private clubs or Lodges;

41. Radio studio;

42. Restaurant;

43. Retail establishment;

~~44. School;~~

45. Shoe repair;

~~46. Taxidermist;~~

47. Taxi service;

48. Telegraph service;

49. Television studio; and

50. Watch repair.

Conditional Uses

~~1. Adult Day Care Facility;~~

~~2. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;~~

~~3. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;~~

~~4. Campground Facilities;~~

~~5. Care Home, Convalescent Center or Nursing Home;~~

6. Church or Religious Tent Meeting;

7. Commercial Driving Range;

~~8. Day Care Facility (Nursery School or Kindergarten);~~

~~9. Dry Cleaning Plant;~~

~~10. Fraternities and/or Sororities;~~

11. Golf Course;

~~12. Hospital;~~

~~13. Kennel (See Animal Hospital, etc.);~~

~~14. Laundromat, Self-Service or Otherwise;~~

15. Single-Family Residence; and

16. Telephone, Electric or Gas Sub-Station or other Public Utility Facilities.

Mr. Thoms reiterated that the property was conditionally zoned as a restaurant with Lot 1 to be intentionally used as a residence; however, the development ordinances will preclude it from being developed for any of the uses unless they are done in the existing old mill building. He added that the Conditional Uses may be difficult because of the requirements for those uses. He pointed out that approval would be required for the listed uses. He reported that the excluded uses are reasonable because they are based on public health, safety, and welfare and/or environmental hazards. He concluded by saying that this is a recommendation and not the final vote which will be made by the BOC.

Mr. Beckwith clarified that a retail establishment would include antiques, corn grist mill, and arts and crafts.

Chairman Powell replied that this was correct.

The vote to recommend approval passed 3-2 with Chairman Powell and Jim Graw voting in opposition.

Mr. Graw stated that he voted against the motion because he felt that if this was taken to court that the court may find it illegal and he did not want to vote on something which is or could be illegal. He added that he did not think that this would protect the citizens of Crystal Lake Estates down the road and this is what he is concerned about.

Mr. Frisina advised that since the conditions did not change the use of Lot 1 that the revised plat is no longer required and is a moot point.

Mr. Graw stressed that he would like to see a revised final plat of Crystal Lake Estates with Lot 1 removed. He pointed out that Lot 1 had been combined with the adjacent lot; however, the final plat recorded at the Clerk of Superior Court's Office still shows Lot 1 as part of the subdivision.

Mr. Frisina concurred and stated that the final plat should have been revised years ago. He explained that the final plat was on record at the Clerk of Superior Court's Office and still includes Lot 1 and that this is why Staff was requiring a hearing on the revised final plat.

APPLICATION TO AMEND
FAYETTE COUNTY ZONING ORDINANCE

PROPERTY OWNERS: J. Neil Davis + T. Kay Davis

MAILING ADDRESS: 1095 Highway 54 West Fayetteville GA 30214

PHONE: 7704616694 **FAX:** _____

AGENT FOR OWNERS: —

MAILING ADDRESS: —

PHONE: — **FAX:** —

PROPERTY LOCATION: **LAND LOT** 127 **LAND DISTRICT** 5th **PARCEL** 05 21 076
LAND LOT _____ **LAND DISTRICT** _____ **PARCEL** _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 4.437 acres

EXISTING ZONING DISTRICT: C.C Cond. **PROPOSED ZONING DISTRICT:** C-C

ZONING OF SURROUNDING PROPERTIES: R.70, A.R, O.I, C.C Cond

PRESENT USE OF SUBJECT PROPERTY: Restaurant (currently closed)

PROPOSED USE OF SUBJECT PROPERTY: parking lot, drainfield lines and distribution box

LAND USE PLAN DESIGNATION: Low Density Residential 1 unit/1 to 2 acres - SR54 West Overlay

NAME AND TYPE OF ACCESS ROAD: SR54 W - Major Arterial

LOCATION OF NEAREST WATER LINE: Available

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** 1212.08

[ ] **Application Insufficient due to lack of:** _____

by Staff: _____ **Date:** _____

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

by Staff: _____ **Date:** _____

DATE OF PLANNING COMMISSION HEARING: 10-2-08

DATE OF COUNTY COMMISSIONERS HEARING: 10-23-08

Received from J Neil Davis **a check in the amount of $** 250.00 **for application filing fee, and $** 40.00 **for deposit on frame for public hearing sign(s).**

Date Paid: 9-4-08 **Receipt Number:** 2008-140

V# 1638
$ 290.00

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 Warranty Deed for the subject property:

J. Neil Davis + T. Kay Davis

Please Print Names

Property Tax Identification Number(s) of Subject Property: 05·21·076

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

(I) (We) hereby delegate authority to — **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.

J Neil Davis	Robyn S Wilson
Signature of Property Owner 1	**Signature of Notary Public**
	September 2, 2008
Address	**Date**
J Kay Davis	Robyn S Wilson
Signature of Property Owner 2	**Signature of Notary Public**
	September 2, 2008
Address	**Date**
Signature of Property Owner 3	**Signature of Notary Public**
Address	**Date**
Signature of Authorized Agent	**Signature of Notary Public**
Address	**Date**

ROBYN S. WILSON NOTARY EXPIRES GEORGIA FEB. 4, 2009 PUBLIC COWETA COUNTY

ROBYN S. WILSON NOTARY EXPIRES GEORGIA FEB. 4, 2009 PUBLIC COWETA COUNTY

NAME: J. Neil Davis PETITION NUMBER: 1212-08

ADDRESS: 1095 Hwy 54 W, F'ville GA 30214

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

J Neil Davis affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) C-C Cond Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $290.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to C-C.

This property includes: (check one of the following)

[ ] See attached legal description on recorded Warranty 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 2nd day of October, 2008 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 23rd day of October, 2008 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF September, 2008.

Robyn S. Wilson

NOTARY PUBLIC

ROBYN S. WILSON NOTARY PUBLIC EXPIRES GEORGIA FEB. 4, 2009 COWETA COUNTY

J Neil Davis

APPLICANT'S SIGNATURE

Quit Claim Deed (Short Form)

STATE OF GEORGIA
COUNTY OF FAYETTE

QUIT CLAIM DEED

THIS INDENTURE made this 20th day of February 19 91 by and between

J. Neil Davis

party or parties of the first part, hereinafter referred to as "Grantor", and

J. Neil Davis and T. Kay Davis

party or parties of the second part hereinafter referred to as "Grantee", the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of One Dollar and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, the Grantor has and hereby does remise, release, convey and forever quitclaim unto Grantee and the heirs, legal representatives, successors and assigns of Grantee

All that tract or parcel of land lying and being in Land Lot 127 of the 5th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at a point where the West right-of-way of Old Mill Court (50' right-of-way) intersects with the North right-of-way of Georgia State Route 54 (80' right-of-way); run thence South 76° 21' 41" West, 193.58 feet along the North side of State Route 54 to an iron pin; thence North 12° 41' 52" West, 10.00 feet to an iron pin; thence South 77° 19' 09" West, 261.60 feet along the North side of State Route 54 to an iron pin; thence South 80° 10' 11" West, a chord distance of 283.30 feet and an arc distance of 283.35 feet to a point; thence North 06° 54' 45" West, 10.00 feet to a point; thence South 84° 45' 12" West, a chord distance of 163.09 feet and an arc distance of 163.11 feet to a point; thence North 50° 09' 53" East, 629.53 feet to a point; thence South 05° 50' 32" East, 30.21 feet to a point; thence South 88° 24' 14" East, 408.00 feet to an iron pin situated on the West right-of-way of Old Mill Court; thence South 01° 35' 46" West, 215.42 feet along the West right-of-way of Old Mill Court to the POINT OF BEGINNING, consisting of 4.437 acres and being the same property conveyed to Grantor/Grantee herein by deeds recorded in Deed Book 311, page 197, and Deed Book 328, page 140, Fayette County Records.

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 21st day
of Feb, 19 91. 10:00A.M.
Book 641, Page 321.
W. A. Ballard Clerk

TO HAVE AND TO HOLD said tract or parcel of land in order that neither the Grantor nor any person claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said land or any of the rights, members and appurtenances thereof.

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

Signed, Sealed and Delivered in the presence of:

B. D. MURPHY, JR. (Unofficial Witness)
NOTARY PUBLIC
STATE AT LARGE
My Commission Expires Nov. 15, 1993
FAYETTE COUNTY, GEORGIA

J. Neil Davis (Seal)
J. Neil Davis

(Seal)

BOOK 641 PAGE 321

to my wife

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.

B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.

C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".

[✓] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .

[ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 2nd day of September, 2008

J Neil Dias

APPLICANT'S SIGNATURE

September 2, 2008

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

Re: 4.437 acres fronting S.R. 54 West
Land Lot 127 of the 5th District

Dear Commissioners:

It is my intent to rezone the above-referenced property from C-C Conditional to C-C. The purpose of my request is to alleviate the current conditions and to lease and/or sale the subject property for the uses listed under the C-C Zoning District per the Fayette County Zoning Ordinance. I also intend to use the Old Mill structure for a corn grist mill in its historical context.

Sincerely,

J. Neil Davis

Petition No. 608-87 was approved by the B.O.C. on February 26, 1987, to rezone the subject property from C-C Conditional to C-C Conditional for the purpose of converting an old mill structure into a restaurant/retail specialty shop and erecting a single-family dwelling subject to the following conditions:

1. That use of the subject property be restricted to specialty retail shops categorized as arts and/or crafts, a restaurant, and a single-family detached residence.
2. That the exterior materials of the house shall be the same as those comprising the mill.
3. That the exterior appearance of the old mill building shall not be changed except for the addition of the proposed porch.
4. To observe the Georgia D.O.T. proposed right-of-way which has been identified for future widening of S.R. 54 as the front property line for determining all measurements and dimensional requirements.
5. To provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire fighting equipment as required by the Fayette County Fire Department.
6. To provide off-street parking on the property during the entire construction period.
7. That the light source from any exterior illumination device shall not be directly visible along any adjoining residential property line.
8. That the design and location of signs proposed for the property shall be approved by the Planning Commission.
9. That in accordance with the condition volunteered by the previous owner, the owner agrees that the block building on the property which is known as the "Pink Palace" shall be demolished and removed prior to the issuance of any development related permits by the County.
10. That the buffer adjoining Lot 2, Crystal Lake Subdivision shall be a minimum of 50 feet and shall be improved with a planted screen at least six (6) feet tall.
11. The property shall have no direct access to Old Mill Court except to serve a residence on Lot 1.
12. No building shall be constructed on that portion of the property which was previously Lot 1, Crystal Lake Estates, except a single-family dwelling.

THE OLD MILL

The stronghold of Fayette County's history "The Old Mill" was built by the Bennett family in 1837 for use as a corn mill. It is documented in Georgia's history books as "The Community Center" where they held their baptisms and all community functions for the Fayette County area.

During civil war times, it is documented that Sherman and his troups dined at "The Old Mill". At that time it was still operating as a corn mill and due to the fact that there were Negro Slaves working at "The Mill" it is one of the few sights Sherman did not burn to the ground. It continued to operate up until the 1950's as a corn mill and as the nucleus for the economic and family growth of the community of Fayette County.

This sight, when restored to its' original splendor, will not only preserve an integral part of history but will once again become a nucleus for economic growth in this area.

Owner and Parcel Information

Parcel Number:	0521 076	Owner Name:	DAVIS J NEIL
Location Address:	1095 HWY 54 WEST	Mailing Address:	1113 HIGHWAY 54 WEST
Legal Description:	HWY 54		FAYETTEVILLE, GA 30214
Tax District:	UNICORPORATED	Land Lot 1:	127
Mapping District:	05	Land Lot 2:	
School Exemption:		Subdivision:	
Homestead Exemption:		Acres:	2

Current Value Information

Land Total	Building Total	Total Market Value	Total Assessed Value
$183,000	$333,150	$516,150	$206,460

Improvement Information

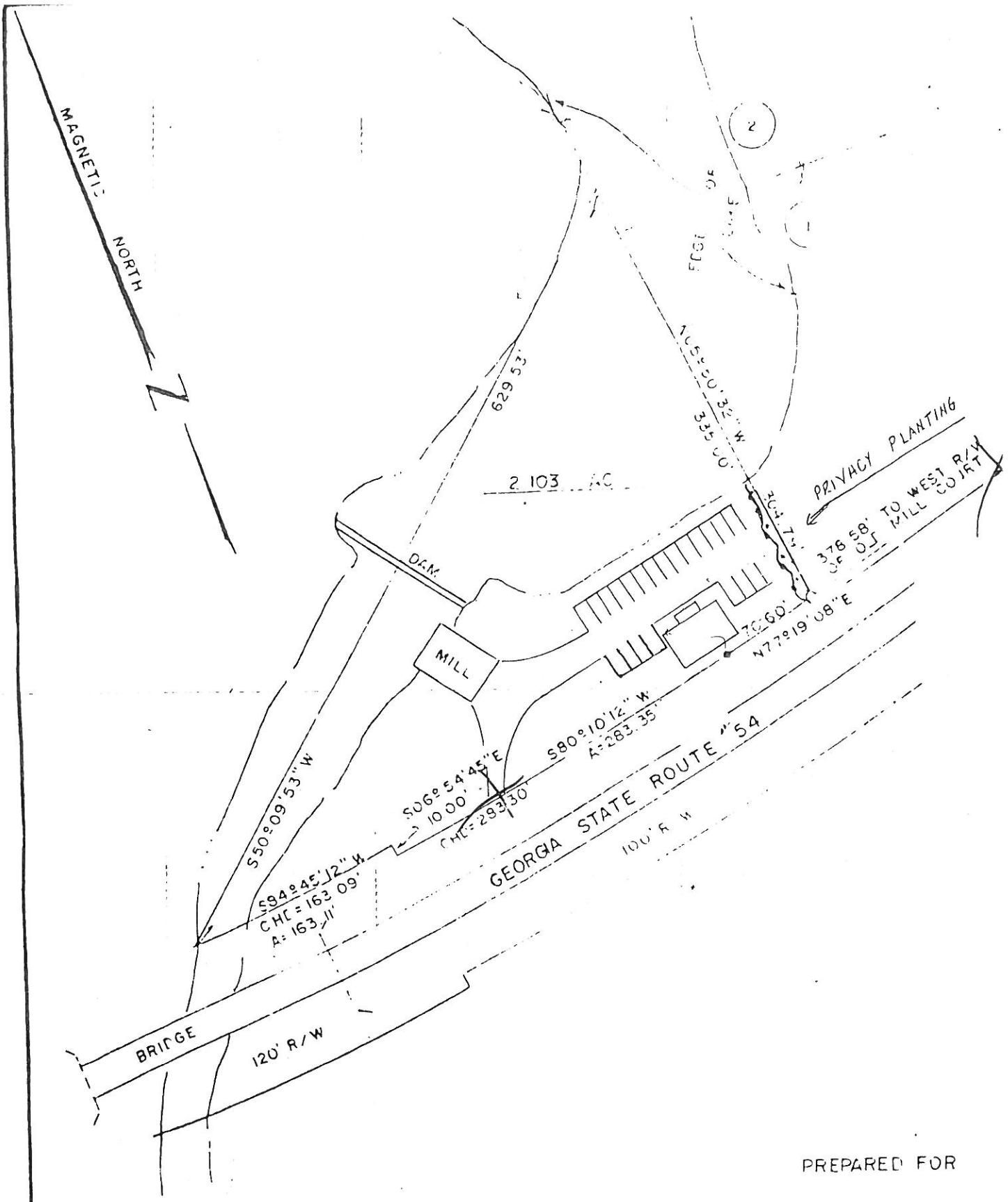
Year Built	Building Size	Building Height	Building Wall
0	8100	2	F

Additional Structures

Code	Description	Type	Unit
IF	FLATTED IN BUILDING		000000000
PA	PAVING-CONCRETE	C	000011000
WD	DECK	D	000001278

Sales Information

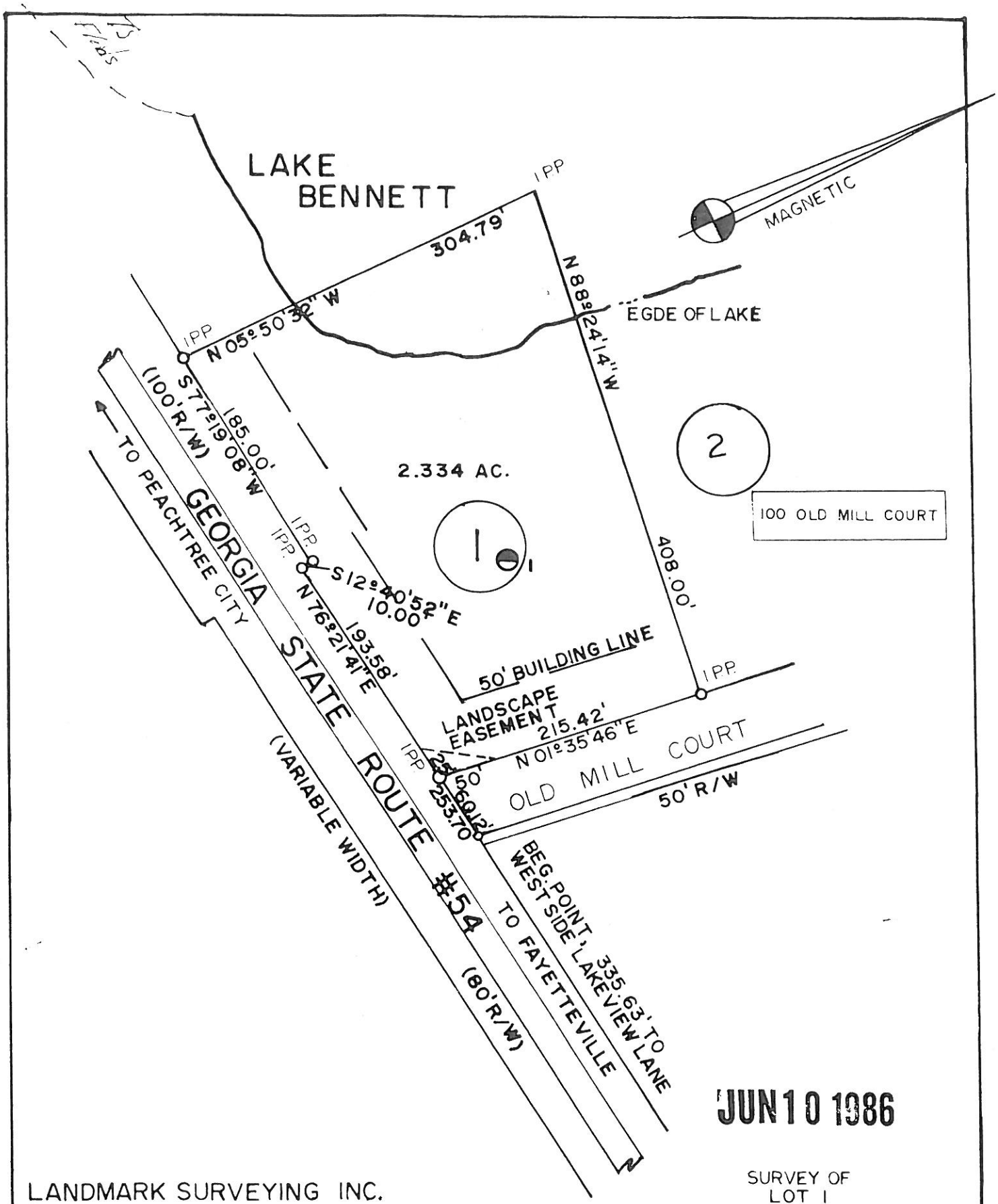
Sale Date	Sale Price	Deed Page	Plat Page
/0/0	$110,000	0/0	/
/ /	$0		



PREPARED FOR

Located in
CRYSTAL LAKE ESTATE
LAND LOT 127 - 5TH DISTR
FAYETTE COUNTY GEORG
SCALE 1:100' DATE

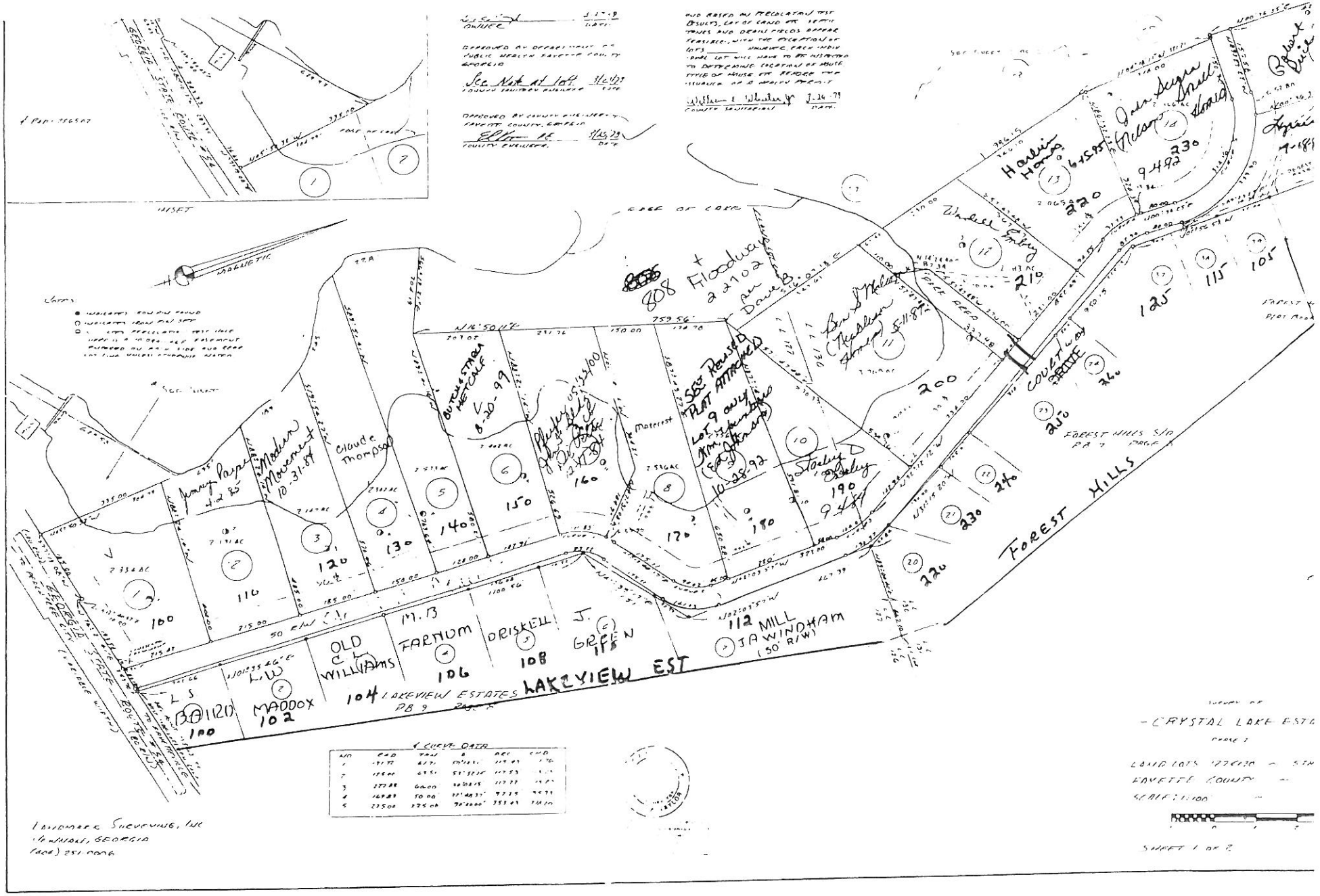
LANDMARK SURVEYING INC.
NEWNAN, GEORGIA
(404) 251-0006



JUN 10 1986

LANDMARK SURVEYING INC.
NEWNAN, GEORGIA
(404) 251-0006

SURVEY OF
LOT 1
CRYSTAL LAKE ESTATES
LAND LOT 127, 5TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE 1" = 100', MAY 24, 1982


OWNER
DATE
APPROVED BY DEPARTMENT OF PUBLIC HEALTH FAYETTE COUNTY GEORGIA
See Note at left
COUNTY SANITARY ENGINEER
APPROVED BY COUNTY ENGINEER FAYETTE COUNTY, GEORGIA
COUNTY ENGINEER
AND BASED ON REGULATORY TEST RESULTS, LOT OF LAND FOR SEPTIC TANKS AND DRAIN FIELDS APPEAR FEASIBLE, WITH THE EXCEPTION OF LOTS
COUNTY SANITARIAN
DATE
EDGE OF LAKE
MAGNETIC
808 Floodway
Dave B.
Jerry Pasper
Modern Movement
Clyde Thompson
Materest
Stanley D.
FARNUM
DRISKELL
GRIFFIN
OLD WILLIAMS
MADDOX
MILL
JA WINDHAM
LAKEVIEW EST
LAKEVIEW ESTATES
FOREST HILLS
COVERT LOOP
Hardin Homes
Wendell Gray
Ben Hobbs
Curtis Angel
Chase Drive
Forest Hills S/D
CRYSTAL LAKE ESTATES
LANDMARK SURVEYING, INC
FAYETTE COUNTY
SCALE 1:100
SHEET 1 OF 2

NOTES:
O - INDICATES IRON PIN SET
O - INDICATES PERCOLATION TEST HOLE
"HERE IS A 15 DRAINAGE EASEMENT CENTERED ON EACH SIDE AND REAR LOT LINE UNLESS OTHERWISE NOTED.

CURVE DATA						
NO	ARC	RAD	Δ	ARC	CHD	
6	129.87	85.00	87°48'06"	119.03	109.12	
7	268.20	125.00	122°58'37"	211.94	216.60	
8	40.11	79.50	30°26'30"	105.91	40.10	

- CRYSTAL L

PHASE

LAND LOTS 127&1

FAYETTE COUNT

SCALE: 1"=100'

NOTE: THE PROJECT ENGINEER SHALL MONITOR ALL GRADING ACTIVITIES TO INSURE NO EXCESS FILL IS PLACED W/IN. THE 100 YR. I.R.F.

PROPERTY ZONED R-70

PROPOSED SEPTIC FIELD
TO BE DESIGNED AND INSPECTED BY THE FAYETTE COUNTY HEALTH DEPT.

PROPERTY ZONED R-70

PROPERTY/LOCATION MAP

OLD MILL COURT (50' R/W)

GEORGIA STATE ROUTE NO. 54

100' R/W (AND VARIES AS SHOWN)

PARKING CALCULATIONS:
RETAIL SPACE: 800 S.F. (1 SPACE/100 S.F.) = 8 SPACES
RESTAURANT EMPLOYEES & MGR. = 20 ; DINING (EMP.) = 10 SPACES
TOTAL NO. OF RESTAURANT SEATS = 210 (1 SPACE/3 SEATS) = 70 SPACES
TOTAL # SPACES REQ'D = 88 SPACES

NOTE: CONTOUR INTERVAL EQUALS 2 FOOT
SEE SHEET 2 FOR GRADING & EROSION CONTROL PLAN

AREA THIS SITE: 4.449 AC
PROPERTY ZONED: CG (CONDITIONAL)
PROPERTY ADDRESS: 1070 HIGHWAY 54 WEST FAYETTEVILLE, GA 30214
OWNER/DEVELOPER: W. NEIL DAVIS
PROPOSED BUILDING ADDITION: 6500 SQ FT
TOTAL # PARKING SPACES PROVIDED: 83 (3 HANDICAP)
(NOTE SEE PARKING CALCULATIONS)

30 0 30 60 90
GRAPHIC SCALE - 1" = 30'

APPROVED

Fayette County does not certify the accuracy of these plans. In approving these plans, the County has relied upon the accuracy of the information and representations furnished herein by the ... Professional whose seal appears on these plans. The County ... liability or responsibility for the accuracy thereof. Although the County has attempted to insure complying with all applicable codes and specifications, approval of these plans does not relieve the owner from complying with all applicable County standards and specifications.

7/26/89

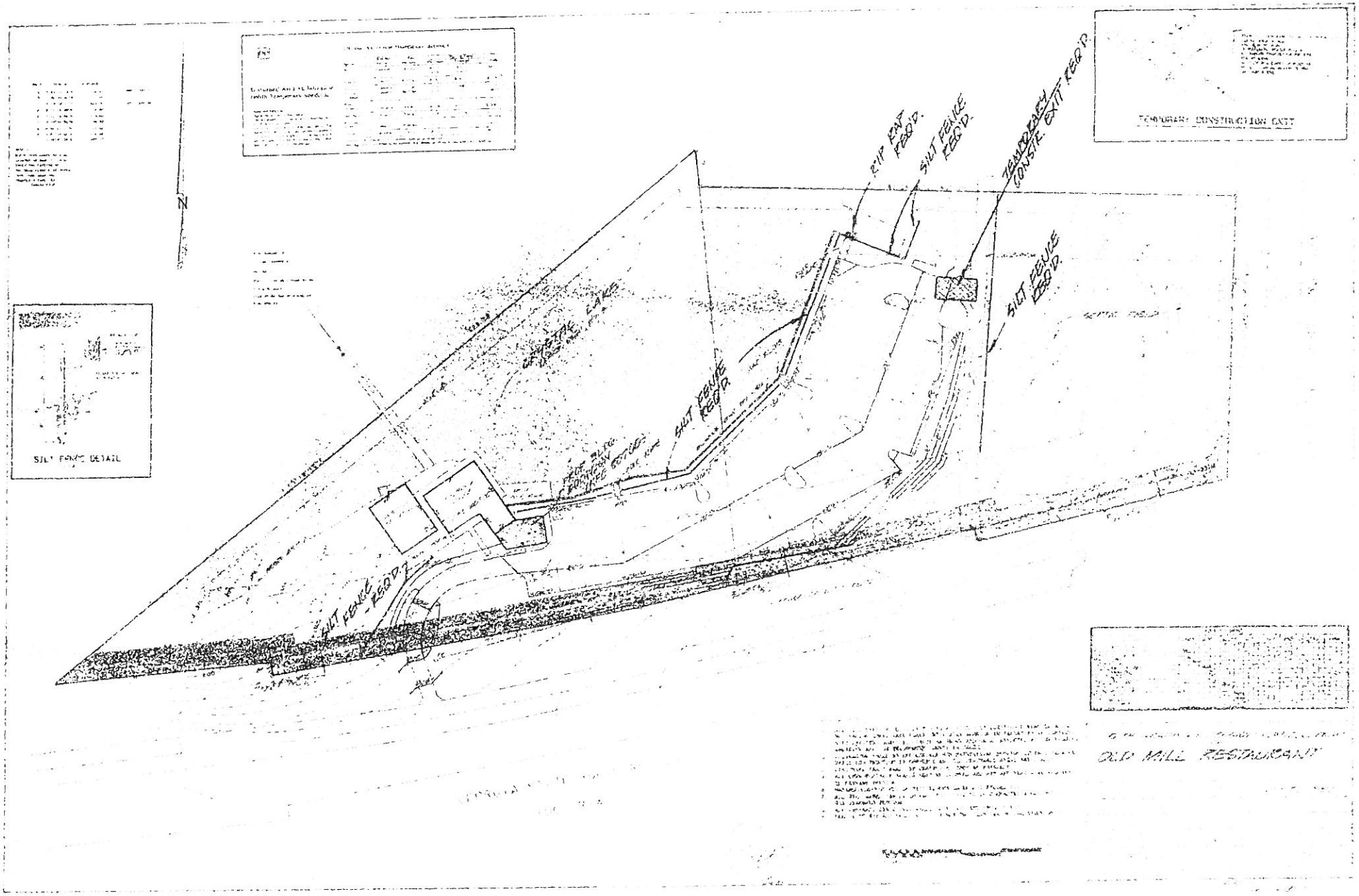
REVISED
JUL 24 1989

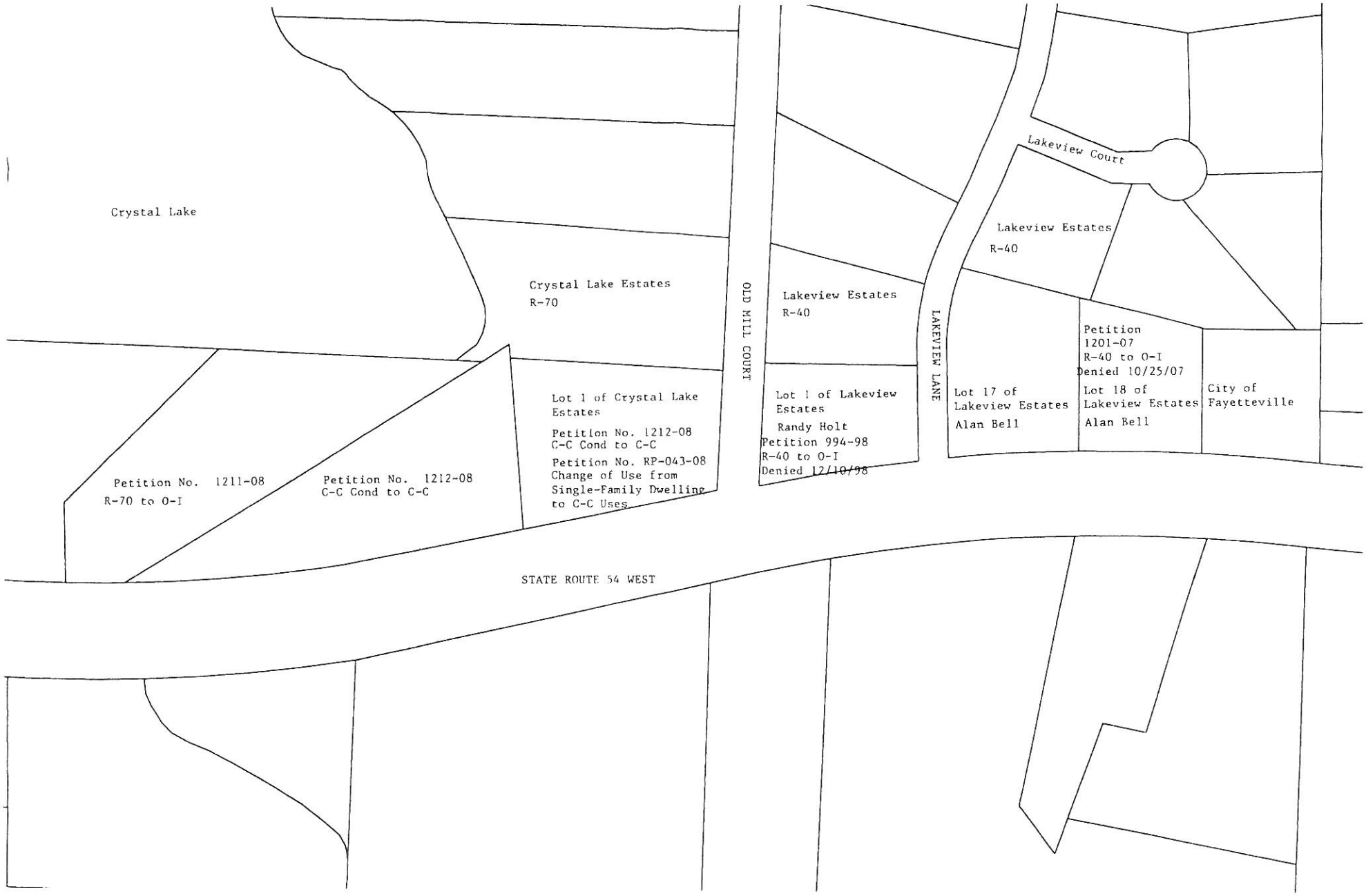
GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 13016 CHARLES H. TROUT, III
12/89

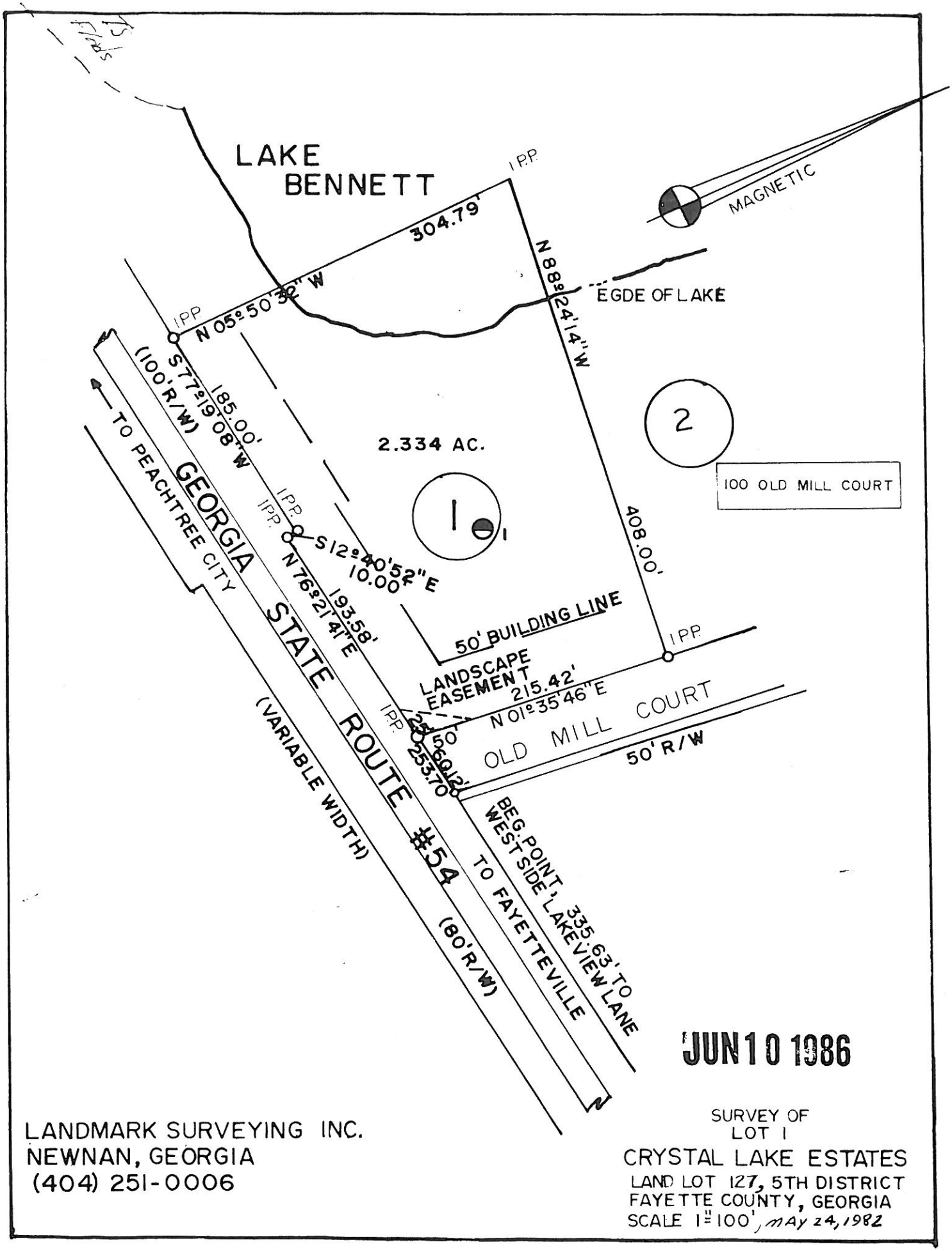
SITE PLAN OF
OLD MILL RESTAURANT

SCALE: 1" = 30	DATE: JUNE 20, 1989
LAND LOT 127	
DISTRICT 5	
FAYETTE COUNTY, GEORGIA	
LANDMARK SURVEYING, INC. NEWNAN, GEORGIA (404) 251-0006	

SHEET 1 OF 2 SHEETS


SILT FENCE DETAIL
TEMPORARY CONSTRUCTION EXIT
RIP RAP REQ'D.
SILT FENCE REQ'D.
TEMPORARY CONSTR. EXIT REQ'D.
SILT FENCE REQ'D.
SILT FENCE REQ'D.
SILT FENCE REQ'D.
OLD MILL RESTAURANT


Crystal Lake
Crystal Lake Estates
R-70
Lot 1 of Crystal Lake Estates
Petition No. 1212-08
C-C Cond to C-C
Petition No. RP-043-08
Change of Use from
Single-Family Dwelling
to C-C Uses
Petition No. 1211-08
R-70 to O-I
Petition No. 1212-08
C-C Cond to C-C
OLD MILL COURT
Lakeview Estates
R-40
Lot 1 of Lakeview Estates
Randy Holt
Petition 994-98
R-40 to O-I
Denied 12/10/98
LAKEVIEW LANE
Lakeview Court
Lakeview Estates
R-40
Lot 17 of Lakeview Estates
Alan Bell
Petition
1201-07
R-40 to O-I
Denied 10/25/07
Lot 18 of Lakeview Estates
Alan Bell
City of Fayetteville
STATE ROUTE 54 WEST



JUN 10 1986

LANDMARK SURVEYING INC.
NEWNAN, GEORGIA
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SURVEY OF
LOT 1
CRYSTAL LAKE ESTATES
LAND LOT 127, 5TH DISTRICT
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SCALE 1" = 100', MAY 24, 1982